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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

**IN RE: KIA HYUNDAI VEHICLE
THEFT MARKETING, SALES
PRACTICES, AND PRODUCTS
LIABILITY LITIGATION**

This Document Relates to:

*City of Chicago v. Kia America, Inc.,
and Hyundai Motor America*, Case No.
8:23-cv-02045-JVS(KESx)

Case No.: 8:22-ML-03052-JVS(KESx)

**ANSWER OF DEFENDANT KIA
AMERICA, INC. TO CITY OF
CHICAGO'S SECOND AMENDED
COMPLAINT**

JURY DEMAND

Judge: Hon. James V. Selna

Defendant Kia America, Inc. (“KA” or “Defendant”) by and through its counsel, hereby submits its Answer to the Second Amended Complaint (“SAC”) filed by Plaintiff City of Chicago, Illinois (“Plaintiff” or “Chicago”). Unless expressly and specifically admitted, KA denies each and every allegation made by Chicago in its SAC. KA answers as follows:

I. INTRODUCTION^{1,2}

7 1. Answering Paragraph 1, Defendant responds that it is without knowledge
8 or information sufficient to form a belief as to the truth or falsity of the allegations
9 relating to Hyundai Motor America (“HMA” or “Hyundai”) and therefore denies
10 them. Answering further, Defendant responds that “hot-wiring” and “harder” are
11 vague and ambiguous, and denies the allegations on that basis. Answering further,
12 Defendant denies that it manufactured vehicles. Answering further, Defendant
13 responds that the allegations are vague as to time and therefore denies them. All
14 allegations in this Paragraph not specifically admitted are denied.

15 2. Answering Paragraph 2, Defendant responds that it is without knowledge
16 or information sufficient to form a belief as to the truth or falsity of the allegations
17 relating to Hyundai, and therefore denies them. Answering further, Defendant
18 responds that “chose,” “often simple,” “industry-standard,” “anti-theft technologies,”
19 “many of their cars,” “shortcomings,” “hot-wire,” “viral,” “skyrocketed,” “record-
20 setting rates,” “violent crimes,” “injuries,” and “property damage” are vague and

²² ¹ This document adopts the headings of Plaintiff's SAC only for the Court's ease of
²³ reference. Defendant does not agree with or admit any statements alleged in the
headings.

²⁴ On January 18, 2024, the Court approved the Parties' joint stipulation to dismiss
²⁵ Hyundai Motor Company ("HMC") and Kia Corporation ("KC") from this action
²⁶ without prejudice. See Dkt. 292, Order Approving Stipulation re Voluntary Dismissal
²⁷ of Hyundai Motor Company and Kia Corporation and Discovery. Chicago, in its
²⁸ SAC, refers to HMA as "Hyundai" and KA as "Kia." This document adopts those
same references.

1 ambiguous, and denies the allegations on that basis. Answering further, Defendant
2 admits that videos were posted online demonstrating how to steal certain Hyundai and
3 Kia brand vehicles, however, Defendant is without knowledge or information
4 sufficient to form a belief as to when such videos were first posted online, and
5 therefore denies the allegation on that basis. Answering further, Defendant denies
6 that it manufactures cars. Answering further, Defendant denies Plaintiff's
7 characterization of the facts in this Paragraph. All allegations in this Paragraph not
8 specifically admitted are denied.

9 3. Answering Paragraph 3, Defendant responds that it is without knowledge
10 or information sufficient to form a belief as to the truth or falsity of the allegations
11 relating to Hyundai, and therefore denies them. Answering further, Defendant
12 responds that "critical," "defect," "easily," "[m]ost car manufacturers," "standard
13 anti-theft equipment," "other major car manufacturer," "equivalent anti-theft
14 technology," "touting," "'advanced' technology," and "safety features" are vague and
15 ambiguous, and denies the allegations on that basis. Answering further, Defendant
16 denies that it manufactured vehicles. Answering further, Defendant denies Plaintiff's
17 characterization of the facts in this Paragraph. All allegations in this Paragraph not
18 specifically admitted are denied.

19 4. Answering Paragraph 4, Defendant responds that it is without knowledge
20 or information sufficient to form a belief as to the truth or falsity of the allegations
21 relating to Hyundai, and therefore denies them. Answering further, Defendant
22 responds that "effective," "capability," "provide," "routinely," "standard equipment,"
23 "equivalent anti-theft technology," "crime," "threaten," "public safety," "clearly
24 disclose," "industry-standard," "such a disclosure," "highly susceptible," and "costs"
25 are vague and ambiguous, and denies the allegations on that basis. Answering further,
26 Defendant denies that it manufactured vehicles. Answering further, Defendant is
27 without knowledge or information sufficient to form a belief as to truth or falsity of
28 the remaining allegations in this Paragraph and therefore denies them. Answering

1 further, Defendant denies Plaintiff's characterization of the facts in this Paragraph.
2 All allegations in this Paragraph not specifically admitted are denied.

3 5. Answering Paragraph 5, Defendant responds that it is without knowledge
4 or information sufficient to form a belief as to the truth or falsity of the allegations
5 relating to Hyundai, and therefore denies them. Answering further, Defendant
6 responds that "unlawful and reckless actions," "car theft crisis," "trend," and
7 "consistently" are vague and ambiguous, and denies the allegations on that basis.
8 Answering further, Defendant states that this Paragraph contains a legal conclusion
9 to which no response is required. To the extent a response is required, Defendant
10 denies the allegations. Answering further, Defendant is without knowledge or
11 information sufficient to form a belief as to truth or falsity of the remaining allegations
12 in this Paragraph and therefore denies them. Answering further, Defendant denies
13 Plaintiff's characterization of the facts in this Paragraph. All allegations in this
14 Paragraph not specifically admitted are denied.

15 6. Answering Paragraph 6, Defendant responds that it is without knowledge
16 or information sufficient to form a belief as to the truth or falsity of the allegations
17 relating to Hyundai, and therefore denies them. Answering further, Defendant
18 responds that "surge," "hard," "harm's way," "crime wave," "stressed," "cost,"
19 "unlawful conduct," "property damage," "diverts law enforcement resources,"
20 "strives to keep the public safe," "harm," "costs," "misrepresentations," and "material
21 omissions" are vague and ambiguous, and denies the allegations on that basis.
22 Answering further, Defendant responds that the allegations are vague as to time and
23 therefore denies them. Answering further, Defendant states that this Paragraph
24 contains a legal conclusion to which no response is required. To the extent a response
25 is required, Defendant denies the allegations. Answering further, Defendant is
26 without knowledge or information sufficient to form a belief as to truth or falsity of
27 the remaining allegations in this Paragraph and therefore denies them. Defendant
28

1 denies Plaintiff's characterization of the facts in this Paragraph. All allegations in this
2 Paragraph not specifically admitted are denied.

3 **II. PARTIES**

4 7. Answering Paragraph 7, Defendant responds that this Paragraph contains
5 legal conclusions to which no response is required. To the extent a response is
6 required, Defendant is without knowledge or information sufficient to form a belief
7 as to the truth or falsity of the allegations in this Paragraph, including footnote 2, and
8 therefore denies them. All allegations in this Paragraph not specifically admitted are
9 denied.

10 8. Answering Paragraph 8, Defendant admits that HMA is headquartered
11 in California. Answering further, Defendant is without knowledge or information
12 sufficient to form a belief as to the remaining allegations in this Paragraph, and
13 therefore denies them. All allegations in this Paragraph not specifically admitted are
14 denied.

15 9. Answering Paragraph 9, Defendant responds that "oversees regulatory
16 compliance," "directly and materially involved," and "disseminating" are vague and
17 ambiguous, and denies the allegations on that basis. Answering further, Defendant
18 denies that it manufactures or designs vehicles. Answering further, Defendant admits
19 that it distributes Kia brand vehicles in the United States. Answering further,
20 Defendant admits that it distributes, markets, warrants, and oversees warranty
21 servicing of Kia brand vehicles through a network of over 700 dealers throughout the
22 United States from its headquarters in California. Answering further, Defendant
23 denies that it leases vehicles to customers. Answering further, Defendant admits that
24 it develops promotional and advertising materials for Kia vehicles. Answering
25 further, Defendant admits that it is incorporated in California and headquartered at
26 111 Peters Canyon Road, Irvine, California. All allegations in this Paragraph not
27 specifically admitted are denied.

28

III. JURISDICTION AND VENUE

2 10. Answering Paragraph 10, Defendant admits that HMA and KA are
3 incorporated and headquartered in the State of California. Answering further,
4 Defendant states that this Paragraph contains legal conclusions to which no response
5 is required. To the extent a response is required, Defendant denies the allegations.
6 All allegations in this Paragraph not specifically admitted are denied.

7 11. Answering Paragraph 11, Defendant admits that this action was
8 originally filed in state court in Cook County, Illinois. Answering further, Defendant
9 admits that this action was then removed to the United States District Court for the
10 Northern District of Illinois. Answering further, Defendant admits that this action
11 was then transferred to this multidistrict litigation pending in the United States District
12 Court for the District of Central California. Answering further, Defendant responds
13 that it is without knowledge or information sufficient to form a belief as to the truth
14 or falsity of the remaining allegations and therefore denies them. All allegations in
15 this Paragraph not specifically admitted are denied.

16 12. Answering Paragraph 12, Defendant responds that it is without
17 knowledge or information sufficient to form a belief as to the truth or falsity of the
18 allegations relating to Hyundai, and therefore denies them. Answering further,
19 Defendant responds that “conduct,” “significant business,” “unlawful conduct,” and
20 “emanated from” are vague and ambiguous, and denies the allegations on that basis.
21 Answering further, Defendant states that this Paragraph contains legal conclusions to
22 which no response is required. To the extent a response is required, Defendant denies
23 the allegations. All allegations in this Paragraph not specifically admitted are denied.

24 13. Answering Paragraph 13, Defendant responds that “substantial” is vague
25 and ambiguous, and denies the allegations on that basis. Answering further,
26 Defendant states that this Paragraph contains legal conclusions to which no response
27 is required. To the extent a response is required, Defendant denies the allegations.
28 All allegations in this Paragraph not specifically admitted are denied.

IV. FACTUAL ALLEGATIONS

A. **Hyundai and Kia Became Two of the Most Popular Vehicle Manufacturers in the United States.**

4 14. Answering Paragraph 14, Defendant responds that it is without
5 knowledge or information sufficient to form a belief as to the truth or falsity of the
6 allegations relating to Hyundai, and therefore denies them. Answering further,
7 Defendant responds that “popular,” and “recognizable” are vague and ambiguous, and
8 denies the allegations on that basis. Answering further, Defendant is without
9 knowledge or information sufficient to form a belief as to the truth or falsity of the
10 remaining allegations in this Paragraph, and therefore denies them. All allegations in
11 this Paragraph not specifically admitted are denied.

12 15. Answering Paragraph 15, Defendant responds that it is without
13 knowledge or information sufficient to form a belief as to the truth or falsity of the
14 allegations relating to Hyundai, and therefore denies them. Answering further,
15 Defendant responds that “Kia,” “it,” “its,” “controls,” “closely,” and “connected” are
16 vague and ambiguous, and denies the allegations on that basis. All allegations in this
17 Paragraph not specifically admitted are denied.

18 16. Answering Paragraph 16, Defendant responds that it is without
19 knowledge or information sufficient to form a belief as to the truth or falsity of the
20 allegations relating to Hyundai, and therefore denies them. Answering further,
21 Defendant responds that “close,” “connections,” “many,” “underlying engineering,”
22 and “certain parts” are vague and ambiguous and denies the allegations on that basis.
23 Answering further, Defendant is without knowledge or information sufficient to form
24 a belief as to the truth or falsity of the allegations regarding engineers at Hyundai
25 America Technical Center, Inc. (“HATCI”). All allegations in this Paragraph not
26 specifically admitted are denied.

27 17. Answering Paragraph 17, Defendant responds that it is without
28 knowledge or information sufficient to form a belief as to the truth or falsity of the

1 allegations relating to Hyundai, and therefore denies them. Answering further,
2 Defendant responds that “have,” “industry-standard,” and “equivalent anti-theft
3 equipment” are vague and ambiguous and denies the allegations on that basis.
4 Answering further, Defendant admits that it marketed vehicles in the United States
5 from 2011 through 2022. Answering further, Defendant denies that it sold vehicles
6 to Chicago consumers from 2011 through 2022. All allegations in this Paragraph not
7 specifically admitted are denied.

8 **B. Hyundai and Kia Failed to Install Industry-Standard Engine
9 Immobilizers or Equivalent Technology.**

10 18. Answering Paragraph 18, Defendant is without knowledge or
11 information sufficient to form a belief as to the truth or falsity of the allegations in
12 this Paragraph and therefore denies them. All allegations in this Paragraph not
13 specifically admitted are denied.

14 19. Answering Paragraph 19, to the extent Plaintiff relies on the Act or
15 regulations cited in Paragraph 19 of the SAC, the Act and regulations speak for
16 themselves. Answering further, Defendant states that this Paragraph contains a legal
17 conclusion to which no response is required. To the extent a response is required,
18 Defendant denies the allegations. All allegations in this Paragraph not specifically
19 admitted are denied.

20 20. Answering Paragraph 20, to the extent Plaintiff relies on the regulation
21 cited in Paragraph 20 of the SAC, the regulation speaks for itself. All allegations in
22 this Paragraph not specifically admitted are denied.

23 21. Answering Paragraph 21, Defendant responds that “industry-standard”
24 and “easiest” are vague and ambiguous, and denies the allegation on that basis.
25 Answering further, to the extent Plaintiff’s allegations rely on the document cited in
26 footnote 3 of the SAC, the document speaks for itself. Answering further, Defendant
27 states that this Paragraph contains legal conclusions to which no response is required.
28

1 To the extent a response is required, Defendant denies the allegations. All allegations
2 in this Paragraph not specifically admitted are denied.

3 22. Answering Paragraph 22, Defendant responds that “hot-wiring” is vague
4 and ambiguous, and denies the allegation on that basis. Answering further, Defendant
5 is without knowledge or information sufficient to form a belief as to the truth or falsity
6 of the remaining allegations in this Paragraph and therefore denies them. All
7 allegations in this Paragraph not specifically admitted are denied.

8 23. Answering Paragraph 23, Defendant responds that it is without
9 knowledge or information sufficient to form a belief as to the truth or falsity of the
10 allegations relating to Hyundai, and therefore denies them. Answering further,
11 Defendant responds that “effective” and “standard equipment” are vague and
12 ambiguous, and denies the allegations on that basis. Answering further, to the extent
13 Plaintiff’s allegations, including the figure under Paragraph 23, rely on the document
14 cited in footnote 4 of the SAC, the document speaks for itself. Answering further,
15 Defendant is without knowledge or information sufficient to form a belief as to the
16 truth or falsity of the allegations related to vehicles from automobile manufacturers
17 in the United States, and therefore denies the allegations. Answering further,
18 Defendant states that this Paragraph contains a legal conclusion regarding European,
19 Canadian, New Zealand, or Australian laws and/or regulations, and therefore no
20 response is required. To the extent a response is required, Defendant responds that
21 the referenced laws and/or regulations speak for themselves. Answering further,
22 Defendant denies that it manufactures automobiles. Answering further, Defendant is
23 without knowledge or information sufficient to form a belief as to the truth or falsity
24 of the remaining allegations in this Paragraph and therefore denies them. Answering
25 further, Defendant denies Plaintiff’s characterization of the facts in this Paragraph.
26 All allegations in this Paragraph not specifically admitted are denied.

27 24. Answering Paragraph 24, Defendant responds that “industry-standard
28 equipment,” “effective,” “curbing,” “significantly,” and “peak” are vague and

1 ambiguous, and denies the allegation on that basis. To the extent Plaintiff's
2 allegations, including the figure below Paragraph 24, rely on the documents cited in
3 footnotes 5, 6, and 7 of the SAC, the documents speak for themselves. Answering
4 further, Defendant is without knowledge or information sufficient to form a belief as
5 to the truth or falsity of the remaining allegations in this Paragraph and therefore
6 denies them. All allegations in this Paragraph not specifically admitted are denied.

7 25. Answering Paragraph 25, Defendant responds that it is without
8 knowledge or information sufficient to form a belief as to the truth or falsity of the
9 allegations relating to Hyundai, and therefore denies them. Answering further,
10 Defendant responds that "evidence," "effective," "equally if not more effective,"
11 "slew," "dramatic," and "substantially similar" are vague and ambiguous, and
12 therefore denies the allegations on that basis. Answering further, to the extent
13 Plaintiff's allegations rely on the document cited in footnotes 8 and 9 of the SAC, the
14 document speaks for itself. All allegations in this Paragraph not specifically admitted
15 are denied.

16 26. Answering Paragraph 26, Defendant responds that it is without
17 knowledge or information sufficient to form a belief as to the truth or falsity of the
18 allegations relating to Hyundai, and therefore denies them. Answering further,
19 Defendant responds that "effective," "evidence," "this conclusion," "chose," "cost-
20 prohibitive," "[i]ncluding," "the technology," and "routinely" are vague and
21 ambiguous, and therefore denies the allegations on that basis. Answering further,
22 Defendant denies that it manufactured vehicles. Answering further, Defendant
23 responds that the allegations are vague as to time and therefore denies them. All
24 allegations in this Paragraph not specifically admitted are denied.

25 27. Answering Paragraph 27, Defendant responds that it is without
26 knowledge or information sufficient to form a belief as to the truth or falsity of the
27 allegations relating to Hyundai, and therefore denies them. Answering further,
28 Defendant responds that "equivalent technology" is vague and ambiguous, and

1 therefore denies the allegations on that basis. Answering further, to the extent
2 Plaintiff's allegations, including the figure below Paragraph 27, rely on the document
3 cited in footnote 10 of the SAC, the document speaks for itself. Answering further,
4 Defendant denies that it manufactured vehicles. Answering further, Defendant admits
5 that it distributed model years 2011 through 2022 of the Kia-branded vehicles listed
6 in this Paragraph. Answering further, Defendant denies that all model years between
7 2011 and 2022 of the Kia-branded vehicles listed lacked engine immobilizers. All
8 allegations in this Paragraph not specifically admitted are denied.

9 28. Answering Paragraph 28, Defendant admits that the SAC purportedly
10 refers to the listed vehicle models as the “Defective Vehicles,” but denies that
11 characterization.

12 29. Answering Paragraph 29, Defendant responds that it is without
13 knowledge or information sufficient to form a belief as to the truth or falsity of the
14 allegations relating to Hyundai, and therefore denies them. Answering further,
15 Defendant responds that “representations,” “Defective Vehicles,” “more advanced
16 technology and safety features,” “comparable vehicles on the market,” “measurably
17 less safe,” “easily stolen,” and “rampant” are vague and ambiguous, and denies the
18 allegations on that basis. Answering further, Defendant denies Plaintiff's
19 characterization of the facts in this Paragraph. All allegations in this Paragraph not
20 specifically admitted are denied.

21 **C. Kia and Hyundai Misrepresented the Safety and Quality of the
22 Defective Vehicles and Failed to Disclose the Lack of Industry-
Standard Anti-Theft Technology to Chicago Consumers.**

23 30. Answering Paragraph 30, Defendant responds that it is without
24 knowledge or information sufficient to form a belief as to the truth or falsity of the
25 allegations relating to Hyundai, and therefore denies them. Answering further,
26 Defendant responds that “advertisements and marketing materials,”
27 “misrepresentations,” “quality,” “safety,” “Defective Vehicles,” “clearly disclose,”
28 “industry-standard,” and “equivalent anti-theft technology” are vague and ambiguous,

1 and denies the allegations on that basis. Answering further, Defendant admits that it
2 made available and/or directed advertisements and marketing materials to Chicago
3 consumers from 2011 through 2022. Answering further, Defendant denies Plaintiff's
4 characterization of the facts in this Paragraph. All allegations in this Paragraph not
5 specifically admitted are denied.

6 31. Answering Paragraph 31, Defendant admits that Plaintiff purports to
7 make allegations in Plaintiff's SAC with as much specificity as possible. Defendant
8 disputes the level of specificity with which Plaintiff claims to have pleaded its
9 allegations. Answering further, Defendant denies Plaintiff's characterization of the
10 facts in this Paragraph. All allegations in this Paragraph not specifically admitted are
11 denied.

12 32. Answering Paragraph 32, Defendant responds that it is without
13 knowledge or information sufficient to form a belief as to the truth or falsity of the
14 allegations relating to Hyundai, and therefore denies them. Answering further,
15 Defendant responds that "obfuscated," "industry-standard," "equivalent anti-theft
16 technology," "Defective Vehicles," "advertisements," "disseminated," "touting,"
17 "quality," "safety," "such statements" and "material information" are vague and
18 ambiguous, and denies the allegations on that basis. Answering further, Defendant
19 states that this Paragraph contains a legal conclusion to which no response is required.
20 To the extent a response is required, Defendant denies the allegations. Answering
21 further, Defendant is without knowledge or information sufficient to form a belief as
22 to the truth or falsity of the remaining allegations in this Paragraph and therefore
23 denies them. Answering further, Defendant denies Plaintiff's characterization of the
24 facts in this Paragraph. All allegations in this Paragraph not specifically admitted are
25 denied.

26 33. Answering Paragraph 33, Defendant responds that it is without
27 knowledge or information sufficient to form a belief as to the truth or falsity of the
28 allegations relating to Hyundai, and therefore denies them. Answering further,

1 Defendant responds that “advertisements and marketing materials,” “Defective
2 Vehicles,” “safety and other advanced features,” “standard equipment,” “equivalent
3 anti-theft technology” and “safety” are vague and ambiguous, and denies the
4 allegations on that basis. Answering further, Defendant is without knowledge or
5 information sufficient to form a belief as to the truth or falsity of the remaining
6 allegations in this Paragraph, including regarding reasonable consumers’
7 interpretations, and therefore denies them. Answering further, Defendant denies
8 Plaintiff’s characterization of the facts in this Paragraph. All allegations in this
9 Paragraph not specifically admitted are denied.

10 34. Answering Paragraph 34, Defendant responds that it is without
11 knowledge or information sufficient to form a belief as to the truth or falsity of the
12 allegations relating to Hyundai, and therefore denies them. Answering further,
13 Defendant responds that “most ads,” “equivalent anti-theft technology,” “industry-
14 standard technology,” “clearly state” “standard equipment,” “[s]uch statements,”
15 “clear and conspicuous disclosures,” and “Defective Vehicles” are vague and
16 ambiguous, and denies the allegations on that basis. Answering further, Defendant
17 states that this Paragraph contains a legal conclusion to which no response is required.
18 To the extent a response is required, Defendant denies the allegations. Answering
19 further, Defendant is without knowledge or information sufficient to form a belief as
20 to the truth or falsity of the remaining allegations in this Paragraph and therefore
21 denies them. Answering further, Defendant denies Plaintiff’s characterization of the
22 facts in this Paragraph. All allegations in this Paragraph not specifically admitted are
23 denied.

24 35. Answering Paragraph 35, Defendant responds that it is without
25 knowledge or information sufficient to form a belief as to the truth or falsity of the
26 allegations relating to Hyundai, and therefore denies them. Answering further,
27 Defendant responds that “clearly disclose,” “deceptive,” “representations,”
28 “advertisements and marketing materials,” “Defective Vehicles,” “more advanced

1 technology and safety features,” and “other comparable vehicles” are vague and
2 ambiguous, and denies the allegations on that basis. Answering further, Defendant
3 states that this Paragraph contains a legal conclusion to which no response is required.
4 To the extent a response is required, Defendant denies the allegations. Answering
5 further, Defendant denies Plaintiff’s characterization of the facts in this Paragraph.
6 All allegations in this Paragraph not specifically admitted are denied.

7 36. Answering Paragraph 36, to the extent Plaintiff’s allegations rely on the
8 websites cited in footnotes 11 and 12 of the SAC, the websites speak for themselves.
9 Answering further, Defendant denies Plaintiff’s characterization of the facts in this
10 Paragraph. All allegations in this Paragraph not specifically admitted are denied.

11 37. Answering Paragraph 37, Defendant responds that “[t]hese same
12 themes,” “advertisements,” and “Defective Vehicles” are vague and ambiguous, and
13 denies the allegations on that basis. Answering further, to the extent Plaintiff’s
14 allegations rely on the document cited in footnote 13 of the SAC, the document speaks
15 for itself. Answering further, Defendant denies Plaintiff’s characterization of the facts
16 in this Paragraph. All allegations in this Paragraph not specifically admitted are
17 denied.

18 38. Answering Paragraph 38, Defendant responds that “equivalent anti-theft
19 technology” is vague and ambiguous, and denies the allegations on that basis.
20 Answering further, to the extent Plaintiff’s allegations rely on the document cited in
21 footnotes 14, 15, and 16 of the SAC, the document speaks for itself. Answering
22 further, Defendant denies Plaintiff’s characterization of the facts in this Paragraph.
23 All allegations in this Paragraph not specifically admitted are denied.

24 39. Answering Paragraph 39, Defendant responds that “equivalent anti-theft
25 technology” is vague and ambiguous, and denies the allegations on that basis.
26 Answering further, to the extent Plaintiff’s allegations rely on the document cited in
27 footnotes 17 and 18 of the SAC, the document speaks for itself. Answering further,
28

1 Defendant denies Plaintiff's characterization of the facts in this Paragraph. All
2 allegations in this Paragraph not specifically admitted are denied.

3 40. Answering Paragraph 40, Defendant responds that "equivalent anti-theft
4 technology" is vague and ambiguous, and denies the allegations on that basis.
5 Answering further, to the extent Plaintiff's allegations rely on the document cited in
6 footnote 19 of the SAC, the document speaks for itself. Answering further, Defendant
7 denies Plaintiff's characterization of the facts in this Paragraph. All allegations in this
8 Paragraph not specifically admitted are denied.

9 41. Answering Paragraph 41, Defendant responds that "deceptive
10 advertising," "representative of similar advertisements, including brochures and other
11 advertisements," and "Defective Vehicles" are vague and ambiguous, and denies the
12 allegations on that basis. Answering further, to the extent Plaintiff's allegations rely
13 on the documents listed in Exhibit A, which is cited in footnote 20 of the SAC, the
14 documents speak for themselves. Answering further, Defendant states that this
15 Paragraph contains a legal conclusion to which no response is required. To the extent
16 a response is required, Defendant denies the allegations. Answering further,
17 Defendant denies Plaintiff's characterization of the facts in this Paragraph. All
18 allegations in this Paragraph not specifically admitted are denied.

19 42. Answering Paragraph 42, Defendant responds that it is without
20 knowledge or information sufficient to form a belief as to the truth or falsity of the
21 allegations relating to Hyundai, and therefore denies them. To the extent a response
22 is required, Defendant responds that "the advertisements that Chicago reviewed,"
23 "pattern and practice," "touting," "some of the most advanced technology and safety
24 features," "expressly and clearly disclose," "equivalent anti-theft technology," "that
25 technology," "standard equipment," and "almost all other vehicles" are vague and
26 ambiguous, and denies the allegations on that basis. Answering further, Defendant is
27 without knowledge or information sufficient to form a belief as to the truth or falsity
28 of the allegations relating to vehicles from other companies, and therefore denies the

1 allegations. Answering further, Defendant states that this Paragraph contains a legal
2 conclusion to which no response is required. To the extent a response is required,
3 Defendant denies the allegations. Answering further, Defendant denies Plaintiff's
4 characterization of the facts in this Paragraph. All allegations in this Paragraph not
5 specifically admitted are denied.

6 43. Answering Paragraph 43, Defendant responds that “[s]eventy-seven of
7 the ninety-seven advertisements reviewed” and “equivalent anti-theft technology” are
8 vague and ambiguous, and denies the allegations on that basis. Answering further, to
9 the extent Plaintiff's allegations rely on the documents listed in Exhibits A, B, and C,
10 which are cited in footnote 21 of the SAC, the documents speak for themselves.
11 Answering further, Defendant denies Plaintiff's characterization of the facts in this
12 Paragraph. All allegations in this Paragraph not specifically admitted are denied.

13 44. Answering Paragraph 44, Defendant responds that “eleven of the twenty
14 instances,” “small print,” “luxury optional packages,” “limited boilerplate
15 disclosures,” “clear and conspicuous,” “other equivalent anti-theft technology,” and
16 “Defective Vehicles” are vague and ambiguous, and denies the allegations on that
17 basis. Answering further, to the extent Plaintiff's allegations rely on the documents
18 listed in Exhibit B, which is cited in footnote 22 of the SAC, the documents speak for
19 themselves. Answering further, Defendant states that this Paragraph contains a legal
20 conclusion to which no response is required. To the extent a response is required,
21 Defendant denies the allegations. Answering further, Defendant denies Plaintiff's
22 characterization of the facts in this Paragraph. All allegations in this Paragraph not
23 specifically admitted are denied.

24 45. Answering Paragraph 45, Defendant responds that “[o]ut of the ninety-
25 seven advertisements reviewed, only nine” “standard feature,” “some models” are
26 vague and ambiguous, and denies the allegations on that basis. Answering further, to
27 the extent Plaintiff's allegations rely on the documents listed in Exhibits A and C, the
28 documents speak for themselves. Answering further, Defendant denies Plaintiff's

1 characterization of the facts in this Paragraph. All allegations in this Paragraph not
2 specifically admitted are denied.

3 46. Answering Paragraph 46, Defendant responds that “more advertisements
4 and marketing materials,” “Defective Vehicles,” and “substantially similar
5 misrepresentations and omissions” are vague and ambiguous, and denies the
6 allegations on that basis. Answering further, Defendant states that this Paragraph
7 contains a legal conclusion to which no response is required. To the extent a response
8 is required, Defendant denies the allegations. Answering further, Defendant is
9 without knowledge or information sufficient to form a belief as to the truth or falsity
10 of the remaining allegations in this Paragraph and therefore denies them. All
11 allegations in this Paragraph not specifically admitted are denied.

12 47. Answering Paragraph 47, Defendant responds that it is without
13 knowledge or information sufficient to form a belief as to the truth or falsity of the
14 allegations relating to Hyundai, and therefore denies them. Answering further,
15 Defendant responds that “foregoing misrepresentations and material omissions,”
16 “Defective Vehicles’,” “industry standard,” “equivalent anti-theft technology,”
17 “substantial number of advertising and marketing materials” are vague and
18 ambiguous, and denies the allegations on that basis. Answering further, Defendant
19 states that this Paragraph contains legal conclusions to which no response is required.
20 To the extent a response is required, Defendant denies the allegations. Answering
21 further, Defendant denies Plaintiff’s characterization of the facts in this Paragraph.
22 All allegations in this Paragraph not specifically admitted are denied.

23 48. Answering Paragraph 48, Defendant responds that it is without
24 knowledge or information sufficient to form a belief as to the truth or falsity of the
25 allegations relating to Hyundai, and therefore denies them. Answering further,
26 Defendant responds that “foregoing misrepresentations and material omissions,”
27 “Defective Vehicles’,” “industry-standard,” “equivalent anti-theft technology”
28 “substantial number of advertising and marketing materials,” “materials discussed

1 above,” “print advertising,” “video advertisements,” “materials made available to
2 consumers at dealerships,” “such information,” “sales documents,” “displays,”
3 “advertisements,” “warranties,” “owner’s manuals,” “almost all,” “limited instances,”
4 “majority,” “clear and conspicuous disclosures,” and “standard equipment” are vague
5 and ambiguous, and denies the allegations on that basis. Answering further,
6 Defendant states that this Paragraph contains legal conclusions to which no response
7 is required. To the extent a response is required, Defendant denies the allegations.
8 Answering further, Defendant denies Plaintiff’s characterization of the facts in this
9 Paragraph. All allegations in this Paragraph not specifically admitted are denied.

10 49. Answering Paragraph 49, Defendant responds that it is without
11 knowledge or information sufficient to form a belief as to the truth or falsity of the
12 allegations relating to Hyundai, and therefore denies them. Answering further,
13 Defendant responds that “clearly and conspicuously disclosed,” “this information,”
14 “foregoing materials,” and “chose” are vague and ambiguous, and denies the
15 allegations on that basis. Answering further, Defendant states that this Paragraph
16 contains legal conclusions to which no response is required. To the extent a response
17 is required, Defendant denies the allegations. Answering further, Defendant denies
18 Plaintiff’s characterization of the facts in this Paragraph. All allegations in this
19 Paragraph not specifically admitted are denied.

20 50. Answering Paragraph 50, Defendant responds that it is without
21 knowledge or information sufficient to form a belief as to the truth or falsity of the
22 allegations relating to Hyundai, and therefore denies them. Answering further,
23 Defendant responds that “Defective Vehicles,” “measurably,” “safe,” “more
24 susceptible to theft,” “almost every other vehicle on the market,” “equivalent anti-
25 theft technology,” “almost all,” “advertisements and marketing materials,” “touting,”
26 “those vehicles,” “more advanced technology and safety features,” “other vehicles,”
27 “their class,” “few instances,” “advertisements,” “majority,” “clear and conspicuous
28 disclosures,” and “standard equipment” are vague and ambiguous, and denies the

1 allegations on that basis. Answering further, Defendant is without knowledge or
2 information sufficient to form a belief as to the truth or falsity of the remaining
3 allegations in this Paragraph and therefore denies them. Answering further,
4 Defendant denies Plaintiff's characterization of the facts in this Paragraph. All
5 allegations in this Paragraph not specifically admitted are denied.

6 51. Answering Paragraph 51, Defendant responds that it is without
7 knowledge or information sufficient to form a belief as to the truth or falsity of the
8 allegations relating to Hyundai, and therefore denies them. Answering further,
9 Defendant responds that "obfuscated," "information," "industry-standard,"
10 "equivalent anti-theft technology," "Defective Vehicles," "deceptive advertising
11 materials," "misleading statements and omissions," "deceptive advertising," and
12 "harms" are vague and ambiguous, and denies the allegations on that basis.
13 Answering further, Defendant states that this Paragraph contains legal conclusions to
14 which no response is required. To the extent a response is required, Defendant denies
15 the allegations. Answering further, Defendant denies that it sells vehicles to Chicago
16 consumers. Answering further, Defendant is without knowledge or information
17 sufficient to form a belief as to the truth or falsity of the remaining allegations in this
18 Paragraph and therefore denies them. Answering further, Defendant denies Plaintiff's
19 characterization of the facts in this Paragraph. All allegations in this Paragraph not
20 specifically admitted are denied.

21 52. Answering Paragraph 52, Defendant responds that it is without
22 knowledge or information sufficient to form a belief as to the truth or falsity of the
23 allegations relating to Hyundai, and therefore denies them. Answering further,
24 Defendant responds that "clearly and conspicuously disclose," "this information,"
25 "statements," "Defective Vehicles," "more advanced technology and safety features,"
26 "other vehicles," "their class," "half-truths," "in a material respect," "clear and
27 conspicuous disclosure," "representations," "advanced technology and safety
28 features," and "anti-theft technology" are vague and ambiguous, and denies the

1 allegations on that basis. Answering further, Defendant states that this Paragraph
2 contains legal conclusions to which no response is required. To the extent a response
3 is required, Defendant denies the allegations. Answering further, Defendant is
4 without knowledge or information sufficient to form a belief as to the truth or falsity
5 of the remaining allegations in this Paragraph and therefore denies them. Answering
6 further, Defendant denies Plaintiff's characterization of the facts in this Paragraph.
7 All allegations in this Paragraph not specifically admitted are denied.

8 53. Answering Paragraph 53, Defendant responds that it is without
9 knowledge or information sufficient to form a belief as to the truth or falsity of the
10 allegations relating to Hyundai, and therefore denies them. Answering further,
11 Defendant responds that "Defective Vehicles," "technology," "demonstrably easier,"
12 "other vehicles on the market," "clearly and conspicuously disclose," and "material
13 omission" are vague and ambiguous, and denies the allegations on that basis.
14 Answering further, Defendant states that this Paragraph contains legal conclusions to
15 which no response is required. To the extent a response is required, Defendant denies
16 the allegations. Answering further, Defendant is without knowledge or information
17 sufficient to form a belief as to the truth or falsity of the remaining allegations in this
18 Paragraph and therefore denies them. Answering further, Defendant denies Plaintiff's
19 characterization of the facts in this Paragraph. All allegations in this Paragraph not
20 specifically admitted are denied.

21 54. Answering Paragraph 54, Defendant responds that it is without
22 knowledge or information sufficient to form a belief as to the truth or falsity of the
23 allegations relating to Hyundai, and therefore denies them. Answering further,
24 Defendant responds that "material information," "half-truths," "Defective Vehicles,"
25 "advanced technology and safety features," "express clear and conspicuous
26 disclosure," "advertisements and marketing materials," "more susceptible," and
27 "other vehicles on the market" are vague and ambiguous, and denies the allegations
28 on that basis. Answering further, Defendant is without knowledge or information

1 sufficient to form a belief as to the truth or falsity of the remaining allegations in this
2 Paragraph and therefore denies them. Answering further, Defendant denies Plaintiff's
3 characterization of the facts in this Paragraph. All allegations in this Paragraph not
4 specifically admitted are denied.

5 55. Answering Paragraph 55, Defendant responds that it is without
6 knowledge or information sufficient to form a belief as to the truth or falsity of the
7 allegations relating to Hyundai, and therefore denies them. Answering further,
8 Defendant responds that “[t]housands,” “Defective Vehicles,” “many,” “deceptive
9 advertisements,” “widely disseminated,” “substantial costs,” “[m]any consumers,”
10 and “equivalent anti-theft technology” are vague and ambiguous and denies the
11 allegations on that basis. Answering further, Defendant denies that it sold vehicles to
12 Chicago consumers. Answering further, Defendant states that this Paragraph contains
13 legal conclusions to which no response is required. To the extent a response is
14 required, Defendant denies the allegations. Answering further, Defendant is without
15 knowledge or information sufficient to form a belief as to the truth or falsity of the
16 remaining allegations in this Paragraph and therefore denies them. All allegations in
17 this Paragraph not specifically admitted are denied.

18 56. Answering Paragraph 56, Defendant responds that it is without
19 knowledge or information sufficient to form a belief as to the truth or falsity of the
20 allegations relating to Hyundai, and therefore denies them. Answering further,
21 Defendant responds that “substantial number,” “substantial injury,” “industry
22 standard,” “equivalent anti-theft technology,” “Defective Vehicles,” “information
23 necessary,” “meaningfully choose,” “most instances,” “others,” “clearly and
24 conspicuously disclose,” and “critical information” are vague and ambiguous, and
25 denies the allegations on that basis. Answering further, Defendant is without
26 knowledge or information sufficient to form a belief as to the truth or falsity of the
27 remaining allegations in this Paragraph and therefore denies them. All allegations in
28 this Paragraph not specifically admitted are denied.

1 57. Answering Paragraph 57, Defendant responds that “hardships” and
2 “deceptive and unfair trade practices” are vague and ambiguous, and denies the
3 allegations on that basis. Answering further, Defendant states that this Paragraph
4 contains legal conclusions to which no response is required. To the extent a response
5 is required, Defendant denies the allegations. Answering further, Defendant is
6 without knowledge or information sufficient to form a belief as to the truth or falsity
7 of the remaining allegations in this Paragraph and therefore denies them. All
8 allegations in this Paragraph not specifically admitted are denied.

9 58. Answering Paragraph 58, Defendant is without knowledge or
10 information sufficient to form a belief as to the truth or falsity of the allegations in
11 this Paragraph and therefore denies them. All allegations in this Paragraph not
12 specifically admitted are denied.

13 59. Answering Paragraph 59, Defendant is without knowledge or
14 information sufficient to form a belief as to the truth or falsity of the allegations in
15 this Paragraph and therefore denies them. All allegations in this Paragraph not
16 specifically admitted are denied.

17 60. Answering Paragraph 60, Defendant is without knowledge or
18 information sufficient to form a belief as to the truth or falsity of the allegations in
19 this Paragraph and therefore denies them. Answering further, to the extent Plaintiff’s
20 allegations rely on the document cited in footnote 24 of the SAC, the document speaks
21 for itself. All allegations in this Paragraph not specifically admitted are denied.

22 61. Answering Paragraph 61, Defendant responds that “hardships” and
23 “theft crisis” are vague and ambiguous, and denies the allegations on that basis.
24 Answering further, Defendant is without knowledge or information sufficient to form
25 a belief as to the truth or falsity of the remaining allegations in this Paragraph and
26 therefore denies them. All allegations in this Paragraph not specifically admitted are
27 denied.

28

1 62. Answering Paragraph 62, Defendant responds that “[s]ome,” “Defective
2 Vehicles,” “demonstrably easier,” “almost all other vehicles on the market,” “costs,”
3 “theft crisis,” and “reasonably related,” “deceptive and unfair advertising” are vague
4 and ambiguous, and denies the allegations on that basis. Answering further,
5 Defendant states that this Paragraph contains legal conclusions to which no response
6 is required. To the extent a response is required, Defendant denies the allegations.
7 Answering further, Answering further, Defendant is without knowledge or
8 information sufficient to form a belief as to the truth or falsity of the remaining
9 allegations in this Paragraph and therefore denies them. All allegations in this
10 Paragraph not specifically admitted are denied.

11 **D. Kia’s and Hyundai’s Failure to Include Engine Immobilizers or
12 Equivalent Technology in the Defective Vehicles Caused a Theft
Crisis in Chicago.**

13 63. Answering Paragraph 63, Defendant responds that “thousands,”
14 “equivalent anti-theft technology,” “defect,” “all-too-predictable,” “Defective
15 Vehicles,” and “skyrocketed” are vague and ambiguous, and denies the allegations on
that basis. Answering further, Defendant is without knowledge or information
16 sufficient to form a belief as to the truth or falsity of the remaining allegations in this
17 Paragraph and therefore denies them. All allegations in this Paragraph not specifically
18 admitted are denied.

19 64. Answering Paragraph 64, Defendant responds that “exploded,” “summer
20 of 2022,” “easy,” “equivalent anti-theft technology,” “Defective Vehicles,”
21 “equivalent anti-theft technology,” “viral,” “wave,” “other criminal behavior,”
22 “almost half,” and “many cities” are vague and ambiguous, and denies the allegations
on that basis. Answering further, Defendant admits that videos were posted online
23 depicting thefts of Hyundai- and Kia-branded vehicles, and that in some instances the
24 individuals posting such videos identified themselves as part of the “Kia Boyz,”
25 however, Defendant is without knowledge or information sufficient to form a belief
26 as to when such videos were first posted online, and therefore denies the allegation
27
28

1 on that basis. Defendant further admits that some videos posted online depicted the
2 removal of the plastic cowl under a steering column and use of a USB connector.
3 Answering further, Defendant is without knowledge or information sufficient to form
4 a belief as to the truth or falsity of the remaining allegations in this Paragraph and
5 therefore denies them. All allegations in this Paragraph not specifically admitted are
6 denied.

7 65. Answering Paragraph 65, Defendant responds that “theft crisis” and
8 “particularly hard” is vague and ambiguous and denies the allegations on that basis.
9 Answering further, to the extent Plaintiff’s allegations rely on the document cited in
10 footnote 25 of the SAC, the document speaks for itself. Answering further, Defendant
11 is without knowledge or information sufficient to form a belief as to the truth or falsity
12 of the remaining allegations in this Paragraph and therefore denies them. All
13 allegations in this Paragraph not specifically admitted are denied.

14 66. Answering Paragraph 66, Defendant responds that “largely attributable,”
15 “massive surge,” and “skyrocketed” are vague and ambiguous, and denies the
16 allegations on that basis. Answering further, to the extent Plaintiff’s allegations,
17 including the figures below Paragraph 66, rely on the document cited in footnotes 26
18 and 27 of the SAC, the document speaks for itself. Answering further, Defendant is
19 without knowledge or information sufficient to form a belief as to the truth or falsity
20 of the remaining allegations in this Paragraph and therefore denies them. All
21 allegations in this Paragraph not specifically admitted are denied.

22 67. Answering Paragraph 67, to the extent Plaintiff’s allegations, including
23 the figure below Paragraph 67, rely on the document cited in footnote 28 of the SAC,
24 the document speaks for itself. Answering further, Defendant is without knowledge
25 or information sufficient to form a belief as to the truth or falsity of the allegations in
26 this Paragraph and therefore denies them. All allegations in this Paragraph not
27 specifically admitted are denied.

28

1 68. Answering Paragraph 68, Defendant responds that “signs” and
2 “slowing” are vague and ambiguous and denies the allegations on that basis.
3 Answering further, Defendant is without knowledge or information sufficient to form
4 a belief as to the truth or falsity of the remaining allegations in this Paragraph and
5 therefore denies them. All allegations in this Paragraph not specifically admitted are
6 denied.

7 69. Answering Paragraph 69, Defendant is without knowledge or
8 information sufficient to form a belief as to the truth or falsity of the allegations in
9 this Paragraph and therefore denies them. All allegations in this Paragraph not
10 specifically admitted are denied.

11 70. Answering Paragraph 70, Defendant responds that “crimes,” “these
12 motor vehicles,” “further criminal misconduct,” and “public safety issues” are vague
13 and ambiguous and denies the allegations on that basis. Answering further, Defendant
14 is without knowledge or information sufficient to form a belief as to the truth or falsity
15 of the remaining allegations in this Paragraph and therefore denies them. All
16 allegations in this Paragraph not specifically admitted are denied.

17 **E. Defendants’ Failure to Include Engine Immobilizers or Equivalent
18 Anti-Theft Technology Has Disproportionately Impacted Low-
Income Chicago Residents.**

19 71. Answering Paragraph 71, Defendant responds that “deeply,”
20 “impacted,” “theft crisis,” “Defective Vehicles,” “financial harm,” “damaged,”
21 “vandalized,” “frustration,” “significant,” “costs,” “impacts,” “lucky enough,”
22 “ransacked,” and “damaged” are vague and ambiguous, and denies the allegations on
23 that basis. Answering further, to the extent Plaintiff’s allegations rely on the
24 document cited in footnote 29 of the SAC, the document speaks for itself. Answering
25 further, Defendant is without knowledge or information sufficient to form a belief as
26 to the truth or falsity of the remaining allegations in this Paragraph and therefore
27 denies them. All allegations in this Paragraph not specifically admitted are denied.
28

1 72. Answering Paragraph 72, Defendant responds that “trashed,”
2 “springtime,” “budge,” and “circumstances” are vague and ambiguous, and denies the
3 allegations on that basis. Answering further, to the extent Plaintiff’s allegations rely
4 on the document cited in footnote 30 of the SAC, the document speaks for itself.
5 Answering further, Defendant is without knowledge or information sufficient to form
6 a belief as to the truth or falsity of the remaining allegations in this Paragraph and
7 therefore denies them. All allegations in this Paragraph not specifically admitted are
8 denied.

9 73. Answering Paragraph 73, Defendant responds that “Defective Vehicles,”
10 “entry-level,” “relatively low priced,” “impact,” “surge,” “disproportionately,”
11 “moderate and low means,” “hardest,” “hit,” “resources,” and “worse” are vague and
12 ambiguous, and denies the allegations on that basis. Answering further, Defendant
13 states that this Paragraph contains legal conclusions to which no response is required.
14 To the extent a response is required, Defendant denies the allegations. Answering
15 further, Defendant is without knowledge or information sufficient to form a belief as
16 to the truth or falsity of the remaining allegations in this Paragraph and therefore
17 denies them. All allegations in this Paragraph not specifically admitted are denied.

18 74. Answering Paragraph 74, Defendant responds that “costs,” “other
19 damage,” and “replacement parts” are vague and ambiguous and denies the
20 allegations on that basis. Answering further, Defendant is without knowledge or
21 information sufficient to form a belief as to the truth or falsity of the remaining
22 allegations in this Paragraph and therefore denies them. All allegations in this
23 Paragraph not specifically admitted are denied.

24 75. Answering Paragraph 75, Defendant responds that “Defective Vehicles,”
25 “lucky enough,” “suffering,” “theft crisis,” “most susceptible,” and “if not more” are
26 vague and ambiguous and denies the allegations on that basis. Answering further,
27 Defendant admits that some insurance companies refused to write policies for certain
28 Kia models in certain locales. Answering further, Defendant is without knowledge or

1 information sufficient to form a belief as to the truth or falsity of the remaining
2 allegations in this Paragraph and therefore denies them. Answering further,
3 Defendant denies Plaintiff's characterization of the facts in this Paragraph. All
4 allegations in this Paragraph not specifically admitted are denied.

5 76. Answering Paragraph 76, Defendant responds that it is without
6 knowledge or information sufficient to form a belief as to the truth or falsity of the
7 allegations relating to Hyundai, and therefore denies them. Answering further,
8 Defendant responds that "Defective Vehicles," "more advanced technology and
9 safety features," "comparable vehicles," "industry-standard anti-theft equipment,"
10 "more susceptible," "every reason to know," "easily stolen," "equivalent anti-theft
11 technology," "majority of their advertising and marketing materials,"
12 "misrepresentations," "omissions," "thousands," "most vulnerable," "unsafe," and
13 "some cases" are vague and ambiguous and denies the allegations on that basis.
14 Answering further, Defendant admits that it marketed Kia-branded vehicles in the
15 United States. Answering further, Defendant is without knowledge or information
16 sufficient to form a belief as to the truth or falsity of the allegations relating to vehicles
17 from other companies, and therefore denies the allegations. Answering further,
18 Defendant is without knowledge or information sufficient to form a belief as to the
19 truth or falsity of the remaining allegations in this Paragraph and therefore denies
20 them. All allegations in this Paragraph not specifically admitted are denied.

21 **F. Defendants' Failure to Include Immobilizers or Equivalent
22 Technology Drains the City's Law Enforcement and Emergency
23 Response Resources and Imperils Public Safety.**

24 77. Answering Paragraph 77, Defendant responds that "harms" "just the
25 beginning," "significant impacts," and "public safety" are vague and ambiguous and
26 denies the allegations on that basis. Answering further, Defendant admits that the
27 National Traffic and Motor Vehicle Safety Act was promulgated in 1971. Answering
28 further, Defendant admits that the National Highway Traffic Safety Administration
has promulgated numerous Federal Motor Vehicle Safety Standards ("FMVSS"),

1 including FMVSS 114. Answering further, Defendant responds that the text of
2 FMVSS 114 speaks for itself. Answering further, to the extent Plaintiff's allegations
3 rely on the document cited in footnote 31, the document speaks for itself. Answering
4 further, Defendant is without knowledge or information sufficient to form a belief as
5 to the truth or falsity of the remaining allegations in this Paragraph and therefore
6 denies them. All allegations in this Paragraph not specifically admitted are denied.

7 78. Answering Paragraph 78, Defendant responds that the text of FMVSS
8 114 speaks for itself. Answering further, Defendant states that this Paragraph contains
9 legal conclusions to which no response is required. To the extent a response is
10 required, Defendant denies the allegations. Answering further, Defendant is without
11 knowledge or information sufficient to form a belief as to the truth or falsity of the
12 remaining allegations in this Paragraph and therefore denies them. All allegations in
13 this Paragraph not specifically admitted are denied.

14 79. Answering Paragraph 79, Defendant responds that "reverse,"
15 "substantial," "public safety," "risk," "lawful users," "public thoroughfare,"
16 "unfortunate enough," "cross paths," "commonly," and "further crimes" are vague
17 and ambiguous, and denies the allegations on that basis. Answering further,
18 Defendant is without knowledge or information sufficient to form a belief as to the
19 truth or falsity of the remaining allegations in this Paragraph and therefore denies
20 them. Answering further, Defendant denies Plaintiff's characterization of the facts in
21 this Paragraph. All allegations in this Paragraph not specifically admitted are denied.

22 80. Answering Paragraph 80, Defendant responds that it is without
23 knowledge or information sufficient to form a belief as to the truth or falsity of the
24 allegations in this Paragraph relating to Hyundai, and therefore denies them.
25 Answering further, Defendant responds that "risks," "heightened," "new wave,"
26 "joyriding," "other crimes," "associated videos," "busy hours," "congested," "higher
27 likelihood" and "injury" are vague and ambiguous and denies the allegation on that
28 basis. Answering further, Defendant admits that videos were posted online depicting

1 thefts of Kia-brand vehicles. Answering further, Defendant is without knowledge or
2 information sufficient to form a belief as to the truth or falsity of the remaining
3 allegations in this Paragraph and therefore denies them. Answering further,
4 Defendant denies Plaintiff's characterization of the facts in this Paragraph. All
5 allegations in this Paragraph not specifically admitted are denied.

6 81. Answering Paragraph 81, Defendant responds that "risks," "far from
7 hypothetical," "social media trend," "injured," "Defective Vehicles," and "violence"
8 are vague and ambiguous and denies the allegation on that basis. Answering further,
9 to the extent Plaintiff's allegations rely on the documents cited in footnotes 34, 35,
10 and 36 of the SAC, that documents speaks for themselves. Answering further,
11 Defendant is without knowledge or information sufficient to form a belief as to the
12 truth or falsity of the remaining allegations in this Paragraph and therefore denies
13 them. Answering further, Defendant denies Plaintiff's characterization of the facts in
14 this Paragraph. All allegations in this Paragraph not specifically admitted are denied.

15 82. Answering Paragraph 82, Defendant responds that "hit," "hardest," and
16 "violence" are vague and ambiguous, and denies the allegation on that basis.
17 Answering further, Defendant is without knowledge or information sufficient to form
18 a belief as to the truth or falsity of the remaining allegations in this Paragraph and
19 therefore denies them. Answering further, Defendant denies Plaintiff's
20 characterization of the facts in this Paragraph. All allegations in this Paragraph not
21 specifically admitted are denied.

22 83. Answering Paragraph 83, Defendant responds that "series" and "crimes"
23 are vague and ambiguous and denies the allegation on that basis. Answering further,
24 to the extent Plaintiff's allegations rely on the document cited in footnote 37 of the
25 SAC, the document speaks for itself. Answering further, Defendant is without
26 knowledge or information sufficient to form a belief as to the truth or falsity of the
27 remaining allegations in this Paragraph and therefore denies them. Answering further,

28

1 Defendant denies Plaintiff's characterization of the facts in this Paragraph. All
2 allegations in this Paragraph not specifically admitted are denied.

3 84. Answering Paragraph 84, to the extent Plaintiff's allegations rely on the
4 documents cited in footnote 38 of the SAC, the document speaks for itself.
5 Answering further, Defendant is without knowledge or information sufficient to form
6 a belief as to the truth or falsity of the remaining allegations in this Paragraph and
7 therefore denies them. Answering further, Defendant denies Plaintiff's
8 characterization of the facts in this Paragraph. All allegations in this Paragraph not
9 specifically admitted are denied.

10 85. Answering Paragraph 85, to the extent Plaintiff's allegations rely on the
11 document cited in footnote 39 of the SAC, the document speaks for itself. Answering
12 further, Defendant is without knowledge or information sufficient to form a belief as
13 to the truth or falsity of the remaining allegations in this Paragraph and therefore
14 denies them. Answering further, Defendant denies Plaintiff's characterization of the
15 facts in this Paragraph. All allegations in this Paragraph not specifically admitted are
16 denied.

17 86. Answering Paragraph 86, to the extent Plaintiff's allegations rely on the
18 documents cited in footnote 40 of the SAC, the document speaks for itself. Answering
19 further, Defendant is without knowledge or information sufficient to form a belief as
20 to the truth or falsity of the remaining allegations in this Paragraph and therefore
21 denies them. Answering further, Defendant denies Plaintiff's characterization of the
22 facts in this Paragraph. All allegations in this Paragraph not specifically admitted are
23 denied.

24 87. Answering Paragraph 87, to the extent Plaintiff's allegations rely on the
25 documents cited in footnote 41 of the SAC, the document speaks for itself. Answering
26 further, Defendant is without knowledge or information sufficient to form a belief as
27 to the truth or falsity of the remaining allegations in this Paragraph and therefore
28 denies them. Answering further, Defendant denies Plaintiff's characterization of the

1 facts in this Paragraph. All allegations in this Paragraph not specifically admitted are
2 denied.

3 88. Answering Paragraph 88, Defendant responds that “theft crisis,”
4 “translated,” “heightened demands,” “public safety resources,” “related crimes,”
5 “property damage,” “injuries to the public,” “resources,” “public awareness
6 outreach,” “costs,” and “increased rates” are vague and ambiguous, and denies the
7 allegations on that basis. Answering further, Defendant is without knowledge or
8 information sufficient to form a belief as to the truth or falsity of the remaining
9 allegations in this Paragraph and therefore denies them. Answering further,
10 Defendant denies Plaintiff’s characterization of the facts in this Paragraph. All
11 allegations in this Paragraph not specifically admitted are denied.

12 89. Answering Paragraph 89, Defendant responds that “these stolen cars,”
13 “continually,” “alarming rate,” “violent crimes,” “resources,” “theft prevention
14 education and devices,” “Defective Vehicles,” and “recovery efforts” are vague and
15 ambiguous, and denies the allegations on that basis. Answering further, Defendant is
16 without knowledge or information sufficient to form a belief as to the truth or falsity
17 of the remaining allegations in this Paragraph and therefore denies them. Answering
18 further, Defendant denies Plaintiff’s characterization of the facts in this Paragraph.
19 All allegations in this Paragraph not specifically admitted are denied.

20 90. Answering Paragraph 90, Defendant responds that it is without
21 knowledge or information sufficient to form a belief as to the truth or falsity of the
22 allegations relating to Hyundai, and therefore denies them. Answering further,
23 Defendant responds that “best efforts,” “theft crisis,” “costs,” “same investment,”
24 “other manufacturers,” “same one,” “overseas markets,” “equivalent anti-theft
25 technology,” “standard equipment,” and “Defective Vehicles” are vague and
26 ambiguous, and denies the allegations on that basis. Answering further, Defendant
27 denies the existence of a public nuisance and also denies that it created a public
28 nuisance. Answering further, Defendant states that this Paragraph contains legal

1 conclusions to which no response is required. To the extent a response is required,
2 Defendant denies the allegations. Answering further, Defendant is without
3 knowledge or information sufficient to form a belief as to the truth or falsity of the
4 remaining allegations in this Paragraph and therefore denies them. Answering further,
5 Defendant denies Plaintiff's characterization of the facts in this Paragraph. All
6 allegations in this Paragraph not specifically admitted are denied.

7 **G. Defendants' Response to the Theft Crisis Has Been Woefully
8 Inadequate.**

9 91. Answering Paragraph 91, Defendant responds that it is without
10 knowledge or information sufficient to form a belief as to the truth or falsity of the
11 allegations relating to Hyundai, and therefore denies them. Answering further,
12 Defendant responds that "response," "crisis," "prioritization of profits over safety,"
13 and "equivalent anti-theft technology" are vague and ambiguous, and denies the
14 allegation on that basis. Answering further, Defendant admits that it has rolled out a
15 software update for some vehicles without engine immobilizers. Answering further,
16 Defendant admits that it has not initiated a recall of vehicles without engine
17 immobilizers. Answering further, Defendant is without knowledge or information
18 sufficient to form a belief as to the truth or falsity of the remaining allegations in this
19 Paragraph and therefore denies them. Answering further, Defendant denies Plaintiff's
20 characterization of the facts in this Paragraph. All allegations in this Paragraph not
21 specifically admitted are denied.

22 92. Answering Paragraph 92, Defendant responds that it is without
23 knowledge or information sufficient to form a belief as to the truth or falsity of the
24 allegations relating to Hyundai, and therefore denies them. Answering further,
25 Defendant responds that "timely" is vague and ambiguous, and denies the allegations
26 on that basis. Answering further, Defendant is without knowledge or information
27 sufficient to form a belief as to the truth or falsity of the remaining allegations in this
28 Paragraph and therefore denies them. Answering further, Defendant denies Plaintiff's

1 characterization of the facts in this Paragraph. Answering further, Defendant denies
2 Plaintiff's characterization of the facts in this Paragraph. All allegations in this
3 Paragraph not specifically admitted are denied.

4 93. Answering Paragraph 93, Defendant responds that it is without
5 knowledge or information sufficient to form a belief as to the truth or falsity of the
6 allegations relating to Hyundai, and therefore denies them. Answering further,
7 Defendant responds that "ongoing public safety crisis," "Defective Vehicles,"
8 "software fix," "remediate," "stymy," and "spree" are vague and ambiguous, and
9 denies the allegations on that basis. Answering further, Defendant admits that KA
10 received a letter dated January 23, 2023 purporting to have been sent by Chicago's
11 Police Superintendent. Answering further, to the extent Plaintiff's allegations rely on
12 the January 23, 2023 letter, the letter speaks for itself. Answering further, Defendant
13 denies Plaintiff's characterization of the facts in this Paragraph. All allegations in this
14 Paragraph not specifically admitted are denied.

15 94. Answering Paragraph 94, Defendant responds that it is without
16 knowledge or information sufficient to form a belief as to the truth or falsity of the
17 allegations relating to Hyundai, and therefore denies them. Answering further,
18 Defendant responds that "band-aid solutions," "too little," "too late," "update," and
19 "to work" are vague and ambiguous, and denies the allegations on that basis. All
20 allegations in this Paragraph not specifically admitted are denied.

21 95. Answering Paragraph 95, Defendant responds that it is without
22 knowledge or information sufficient to form a belief as to the truth or falsity of the
23 allegations relating to Hyundai, and therefore denies them. Answering further,
24 Defendant responds that "efficacy," "untested in the real world" and "similar
25 experience" are vague and ambiguous, and denies the allegation on that basis.
26 Answering further, to the extent Plaintiff's allegations rely on the documents cited in
27 footnotes 42 and 43 of the SAC, the documents speak for themselves. Answering
28 further, Defendant denies it has verified any report of a vehicle with the appropriate

1 software upgrade installed and operating as designed being stolen in the manner the
2 upgrade was designed to address. Answering further, Defendant responds that it is
3 without knowledge or information sufficient to form a belief as to the truth or falsity
4 of the remaining allegations in this Paragraph and therefore denies them. Answering
5 further, Defendant denies Plaintiff's characterization of the facts in this Paragraph.
6 All allegations in this Paragraph not specifically admitted are denied.

7 96. Answering Paragraph 96, Defendant responds that it is without
8 knowledge or information sufficient to form a belief as to the truth or falsity of the
9 allegations relating to Hyundai, and therefore denies them. Answering further,
10 Defendant responds that "eligible vehicles" is vague and ambiguous and denies the
11 allegations on that basis. Answering further, Defendant admits that as of July 2023,
12 not all eligible Kia-branded vehicles without engine immobilizers had received the
13 software update. Answering further, Defendant is without knowledge or information
14 sufficient to form a belief as to the truth or falsity of the remaining allegations in this
15 Paragraph and therefore denies them. Answering further, Defendant denies Plaintiff's
16 characterization of the facts in this Paragraph. All allegations in this Paragraph not
17 specifically admitted are denied.

18 97. Answering Paragraph 97, Defendant responds that it is without
19 knowledge or information sufficient to form a belief as to the truth or falsity of the
20 allegations relating to Hyundai, and therefore denies them. Answering further,
21 Defendant responds that "effective," Defective Vehicles," "expenses," "sufficiently
22 slowing," "harm," "equivalent anti-theft technology," and "standard equipment" are
23 vague and ambiguous, and denies the allegations on that basis. Answering further,
24 Defendant denies that there exists a public nuisance and also denies that it created a
25 public nuisance. Answering further, Defendant states that this Paragraph contains
26 legal conclusions to which no response is required. To the extent a response is
27 required, Defendant denies the allegations. All allegations in this Paragraph not
28 specifically admitted are denied.

1 98. Answering Paragraph 98, Defendant responds that it is without
2 knowledge or information sufficient to form a belief as to the truth or falsity of the
3 allegations relating to Hyundai, and therefore denies them. Answering further,
4 Defendant responds that “profits over safety,” “efficacy,” “usability,” “passed safety
5 costs on to Chicago,” “resources,” “responding to thefts and associated crimes,”
6 “educating the community,” and Defective Vehicles” are vague and ambiguous, and
7 denies the allegations on that basis. Answering further, Defendant states that this
8 Paragraph contains legal conclusions to which no response is required. To the extent
9 a response is required, Defendant denies the allegations. Answering further,
10 Defendant denies Plaintiff’s characterization of the facts in this Paragraph. All
11 allegations in this Paragraph not specifically admitted are denied.

12 99. Answering Paragraph 99, Defendant responds that it is without
13 knowledge or information sufficient to form a belief as to the truth or falsity of the
14 allegations relating to Hyundai, and therefore denies them. Answering further,
15 Defendant responds that “theft crisis,” “take advantage,” “crisis,” “equivalent anti-
16 theft technology,” “industry standard,” “Defective Vehicles,” “aggressive action,”
17 “turn greater profits,” “correct,” and “problem” are vague and ambiguous, and denies
18 the allegations on that basis. Answering further, Defendant admits that it has not
19 implemented a recall, but denies the characterization that a recall was mandatory.
20 Answering further, Defendant denies that it could have implemented a mandatory
21 recall. Answering further, Defendant is without knowledge or information sufficient
22 to form a belief as to the truth or falsity of the remaining allegations in this Paragraph
23 and therefore denies them. All allegations in this Paragraph not specifically admitted
24 are denied.

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FIRST CAUSE OF ACTION
Violation of MCC 4-276-470
Deceptive Trade Practices

4 100. Answering Paragraph 100, Defendant admits that Plaintiff purports to
5 incorporate the preceding paragraphs. All allegations in this Paragraph not
6 specifically admitted are denied.

7 101. Answering Paragraph 101, Defendant responds that it is without
8 knowledge or information sufficient to form a belief as to the truth or falsity of the
9 allegations relating to Hyundai, and therefore denies them. Answering further,
10 Defendant responds that “acts,” “practices,” and “deceptive business practices” are
11 vague and ambiguous, and denies the allegations on that basis. Answering further,
12 Defendant states that this Paragraph contains a legal conclusion to which no response
13 is required. To the extent a response is required, Defendant denies the allegations.
14 All allegations in this Paragraph not specifically admitted are denied.

15 102. Answering Paragraph 102, to the extent Plaintiff's allegations rely on the
16 Municipal Code of Chicago, the Municipal Code of Chicago speaks for itself. All
17 allegations in this Paragraph not specifically admitted are denied.

18 103. Answering Paragraph 103, Defendant responds that it is without
19 knowledge or information sufficient to form a belief as to the truth or falsity of the
20 allegations relating to Hyundai, and therefore denies them. Answering further, to the
21 extent Plaintiff's allegations rely on the Municipal Code of Chicago, the Municipal
22 Code of Chicago speaks for itself. Answering further, Defendant states that this
23 Paragraph contains legal conclusions to which no response is required. To the extent
24 a response is required, Defendant denies the allegations. All allegations in this
25 Paragraph not specifically admitted are denied.

26 104. Answering Paragraph 104, Defendant responds that it is without
27 knowledge or information sufficient to form a belief as to the truth or falsity of the
28 allegations relating to Hyundai, and therefore denies them. Answering further,

1 Defendant responds that “trade and commerce,” “Defective Vehicles,” “thousands,”
2 “substantial number,” “deceptive advertisements,” and “that information” are vague
3 and ambiguous, and denies the allegations on that basis. Answering further,
4 Defendant denies that it engaged in deceptive conduct. Answering further, Defendant
5 admits that some Chicago consumers may have purchased Kia-branded vehicles from
6 dealerships in Chicago. Answering further, Defendant responds that it is without
7 knowledge or information sufficient to form a belief as to the truth or falsity of the
8 allegations relating to what Chicago consumers saw or considered before or when
9 deciding to purchase a vehicle, and therefore denies them. Answering further,
10 Defendant states that this Paragraph contains a legal conclusion to which no response
11 is required. To the extent a response is required, Defendant denies the allegations.
12 Answering further, Defendant denies Plaintiff’s characterization of the facts in this
13 Paragraph. All allegations in this Paragraph not specifically admitted are denied.

14 105. Answering Paragraph 105, Defendant responds that it is without
15 knowledge or information sufficient to form a belief as to the truth or falsity of the
16 allegations relating to Hyundai, and therefore denies them. Answering further,
17 Defendant responds that “deceptive trade practices,” “Defective Vehicles,” “more
18 advanced technology and safety features,” “comparable vehicles,” “clearly and
19 conspicuously disclose,” “equivalent anti-theft technology,” “the foregoing
20 misrepresentations and omissions,” and “advertising” are vague and ambiguous, and
21 denies the allegations on that basis. Answering further, Defendant denies that it
22 engaged in deceptive trade practices and also denies that it misrepresented and/or
23 intentionally misrepresented information about Kia-branded vehicles. Answering
24 further, Defendant is without knowledge or information sufficient to form a belief as
25 to the truth or falsity of the allegations relating to vehicles from other companies, and
26 therefore denies them. Answering further, Defendant states that this Paragraph
27 contains a legal conclusion to which no response is required. To the extent a response
28 is required, Defendant denies the allegations. Answering further, Defendant denies

1 Plaintiff's characterization of the facts in this Paragraph. All allegations in this
2 Paragraph not specifically admitted are denied.

3 106. Answering Paragraph 106, Defendant responds that it is without
4 knowledge or information sufficient to form a belief as to the truth or falsity of the
5 allegations relating to Hyundai, and therefore denies them. Answering further,
6 Defendant responds that "omission and/or obfuscation," "industry-standard anti-theft
7 technology," "material," "this information," "Defective Vehicles," and "acted
8 differently" are vague and ambiguous, and denies the allegations on that basis.
9 Answering further, Defendant states that this Paragraph contains legal conclusions to
10 which no response is required. To the extent a response is required, Defendant denies
11 the allegations. Answering further, Defendant is without knowledge or information
12 sufficient to form a belief as to the truth or falsity of the remaining allegations in this
13 Paragraph and therefore denies them. Answering further, Defendant denies Plaintiff's
14 characterization of the facts in this Paragraph. All allegations in this Paragraph not
15 specifically admitted are denied.

16 107. Answering Paragraph 107, Defendant responds that it is without
17 knowledge or information sufficient to form a belief as to the truth or falsity of the
18 allegations relating to Hyundai, and therefore denies them. Answering further,
19 Defendant responds that "placed profits ahead of the health and safety of others,"
20 "concealing," "material facts," "Defective Vehicles,'" "equivalent technology," and
21 "ease" are vague and ambiguous, and denies the allegations on that basis. Answering
22 further, Defendant states that this Paragraph contains a legal conclusion to which no
23 response is required. To the extent a response is required, Defendant denies the
24 allegations. Answering further, Defendant is without knowledge or information
25 sufficient to form a belief as to the truth or falsity of the remaining allegations in this
26 Paragraph and therefore denies them. Answering further, Defendant denies Plaintiff's
27 characterization of the facts in this Paragraph. All allegations in this Paragraph not
28 specifically admitted are denied.

1 108. Answering Paragraph 108, Defendant responds that it is without
2 knowledge or information sufficient to form a belief as to the truth or falsity of the
3 allegations relating to Hyundai, and therefore denies them. Answering further,
4 Defendant responds that “deceptive marketing,” “Defective Vehicles,” and
5 “Defective Vehicle” are vague and ambiguous, and denies the allegations on that
6 basis. Answering further, to the extent Plaintiff’s allegations rely on the Municipal
7 Code of Chicago, the Municipal Code of Chicago speaks for itself. Answering
8 further, Defendant denies that it sold and/or sells vehicles to retail consumers.
9 Answering further, Defendant states that this Paragraph contains legal conclusions to
10 which no response is required. To the extent a response is required, Defendant denies
11 the allegations. All allegations in this Paragraph not specifically admitted are denied.

12 109. Answering Paragraph 109, Defendant denies that Plaintiff is entitled to
13 the relief requested in this Paragraph. Answering further, Defendant states that this
14 Paragraph contains legal conclusions to which no response is required. To the extent
15 a response is required, Defendant denies the allegations. All allegations in this
16 Paragraph not specifically admitted are denied.

SECOND CAUSE OF ACTION

Violation of MCC § 2-25-090

Deceptive Trade Practices

110. Answering Paragraph 110, Defendant admits that Plaintiff purports to
incorporate the preceding paragraphs. All allegations in this Paragraph not
specifically admitted are denied.

23 111. Answering Paragraph 111, to the extent Plaintiff's allegations rely on the
24 Municipal Code of Chicago, the Municipal Code of Chicago speaks for itself. All
25 allegations in this Paragraph not specifically admitted are denied.

26 112. Answering Paragraph 112, to the extent Plaintiff's allegations rely on the
27 Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/2, the

1 Illinois Compiled Statutes speak for themselves. All allegations in this Paragraph not
2 specifically admitted are denied.

3 113. Answering Paragraph 113, to the extent Plaintiff's allegations rely on the
4 Uniform Deceptive Trade Practices Act, 815 ILCS 510/2, the Illinois Compiled
5 Statutes speak for themselves. All allegations in this Paragraph not specifically
6 admitted are denied.

7 114. Answering Paragraph 114, Defendant responds that it is without
8 knowledge or information sufficient to form a belief as to the truth or falsity of the
9 allegations relating to Hyundai, and therefore denies them. Answering further,
10 Defendant responds that "trade and commerce," "Defective Vehicles," "thousands,"
11 "substantial number," "deceptive advertisements," and "that information" are vague
12 and ambiguous, and denies the allegations on that basis. Answering further, Defendant
13 denies that it engaged in deceptive conduct. Answering further, Defendant
14 denies that it sold vehicles to retail consumers. Answering further, Defendant admits
15 that Chicago consumers purchased Kia-branded vehicles from dealerships in Chicago.
16 Answering further, Defendant responds that it is without knowledge or information
17 sufficient to form a belief as to the truth or falsity of the allegations relating to what
18 Chicago consumers saw or considered before or when deciding to purchase a vehicle,
19 and therefore denies them. Answering further, Defendant states that this Paragraph
20 contains a legal conclusion to which no response is required. To the extent a response
21 is required, Defendant denies the allegations. All allegations in this Paragraph not
22 specifically admitted are denied.

23 115. Answering Paragraph 115, Defendant responds that it is without
24 knowledge or information sufficient to form a belief as to the truth or falsity of the
25 allegations relating to Hyundai, and therefore denies them. Answering further,
26 Defendant responds that "deceptive trade practices," "Defective Vehicles," "more
27 advanced technology and safety features," "comparable vehicles," "clearly and
28 conspicuously disclose," "equivalent anti-theft technology," "the foregoing

1 misrepresentations and omissions,” and “advertising” are vague and ambiguous, and
2 denies the allegations on that basis. Answering further, Defendant states that this
3 Paragraph contains legal conclusions to which no response is required. To the extent
4 a response is required, Defendant denies the allegations. Answering further,
5 Defendant denies Plaintiff’s characterization of the facts in this Paragraph. All
6 allegations in this Paragraph not specifically admitted are denied.

7 116. Answering Paragraph 116, Defendant responds that it is without
8 knowledge or information sufficient to form a belief as to the truth or falsity of the
9 allegations relating to Hyundai, and therefore denies them. Answering further,
10 Defendant responds that “omission and/or obfuscation,” “industry-standard anti-theft
11 technology,” “material,” “this information,” “Defective Vehicles,” and “acted
12 differently” are vague and ambiguous, and denies the allegations on that basis.
13 Answering further, Defendant states that this Paragraph contains legal conclusions to
14 which no response is required. To the extent a response is required, Defendant denies
15 the allegations. Answering further, Defendant is without knowledge or information
16 sufficient to form a belief as to the truth or falsity of the remaining allegations in this
17 Paragraph and therefore denies them. Answering further, Defendant denies Plaintiff’s
18 characterization of the facts in this Paragraph. All allegations in this Paragraph not
19 specifically admitted are denied.

20 117. Answering Paragraph 117, Defendant responds that it is without
21 knowledge or information sufficient to form a belief as to the truth or falsity of the
22 allegations relating to Hyundai, and therefore denies them. Answering further,
23 Defendant responds that “placed profits ahead of the health and safety of others,”
24 “concealing,” “material facts,” “Defective Vehicles,” “equivalent anti-theft
25 technology,” and “ease” are vague and ambiguous, and denies the allegations on that
26 basis. Answering further, Defendant states that this Paragraph contain a legal
27 conclusion to which no response is required. To the extent a response is required,
28 Defendant denies the allegations. Answering further, Defendant is without

knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in this Paragraph and therefore denies them. Answering further, Defendant denies Plaintiff's characterization of the facts in this Paragraph. All allegations in this Paragraph not specifically admitted are denied.

5 118. Answering Paragraph 118, Defendant responds that it is without
6 knowledge or information sufficient to form a belief as to the truth or falsity of the
7 allegations relating to Hyundai, and therefore denies them. Answering further,
8 Defendant responds that “deceptive marketing,” “Defective Vehicles,” and
9 “Defective Vehicle” are vague and ambiguous, and denies the allegations on that
10 basis. Answering further, to the extent Plaintiff’s allegations rely on the Municipal
11 Code of Chicago, the Municipal Code of Chicago speaks for itself. Answering
12 further, Defendant denies that it sold and/or sells vehicles to retail consumers.
13 Answering further, Defendant states that this Paragraph contains legal conclusions to
14 which no response is required. To the extent a response is required, Defendant denies
15 the allegations. Answering further, Defendant denies Plaintiff’s characterization of
16 the facts in this Paragraph. All allegations in this Paragraph not specifically admitted
17 are denied.

18 119. Answering Paragraph 119, Defendant denies that Plaintiff is entitled to
19 the relief requested in this Paragraph. Answering further, Defendant states that this
20 Paragraph contains legal conclusions to which no response is required. To the extent
21 a response is required, Defendant denies the allegations. All allegations in this
22 Paragraph not specifically admitted are denied.

THIRD CAUSE OF ACTION

Violation of MCC § 2-25-090

Unfair Trade Practices

26 120. Answering Paragraph 120, Defendant admits that Plaintiff purports to
27 incorporate the preceding paragraphs. All allegations in this Paragraph not
28 specifically admitted are denied.

1 121. Answering Paragraph 121, to the extent Plaintiff's allegations rely on the
2 Municipal Code of Chicago, the Municipal Code of Chicago speaks for itself. All
3 allegations in this Paragraph not specifically admitted are denied.

4 122. Answering Paragraph 122, to the extent Plaintiff's allegations rely on the
5 Illinois Consumer Fraud and Deceptive Business Practices Act, 815 ILCS 505/2, the
6 Illinois Compiled Statutes speak for themselves. All allegations in this Paragraph not
7 specifically admitted are denied.

8 123. Answering Paragraph 123, Defendant responds that "public policy,"
9 "immoral, unethical, oppressive, or unscrupulous," and "substantial injury" are vague
10 and ambiguous, and denies the allegations on that basis. Answering further, to the
11 extent Plaintiff's allegations rely on *Robinson v. Toyota Motor Credit Corp.*, 201 Ill.
12 2d 403, 417–18 (2002), the decision speaks for itself. Defendant states that this
13 Paragraph contains a legal conclusion to which no response is required. To the extent
14 a response is required, Defendant denies the allegations. All allegations in this
15 Paragraph not specifically admitted are denied.

16 124. Answering Paragraph 124, Defendant responds that it is without
17 knowledge or information sufficient to form a belief as to the truth or falsity of the
18 allegations relating to Hyundai, and therefore denies them. Answering further,
19 Defendant responds that "unfair trade practices," "conduct," "public policy,"
20 "immoral, unethical, oppressive, and unscrupulous," "advertising," "Defective
21 Vehicles," "effective," "industry-standard," "equivalent anti-theft technology,"
22 "unreasonably susceptible," "unreasonable risk," and "public safety" are vague and
23 ambiguous, and denies the allegations on that basis. Answering further, Defendant
24 states that this Paragraph contains legal conclusions to which no response is required.
25 To the extent a response is required, Defendant denies the allegations. Answering
26 further, Defendant denies Plaintiff's characterization of the facts in this Paragraph.
27 All allegations in this Paragraph not specifically admitted are denied.

28

1 125. Answering Paragraph 125, Defendant responds that “public policy,”
2 “unreasonably susceptible,” “standard,” “nearly all,” “other manufacturers,” and
3 “standard equipment” are vague and ambiguous, and denies the allegations on that
4 basis. Answering further, Defendant states that this Paragraph contains a legal
5 conclusion to which no response is required. To the extent a response is required,
6 Defendant denies the allegations. All allegations in this Paragraph not specifically
7 admitted are denied.

8 126. Answering Paragraph 126, Defendant responds that it is without
9 knowledge or information sufficient to form a belief as to the truth or falsity of the
10 allegations relating to Hyundai, and therefore denies them. Answering further,
11 Defendant responds that “Defective Vehicles,” “industry-standard,” “equivalent anti-
12 theft equipment,” “obfuscated critical information,” “touting,” “those vehicles,”
13 “leaders,” “safety,” “quality,” “warning, instruction, or other precaution,” “injuries,”
14 and “safety of others” are vague and ambiguous, and denies the allegations on that
15 basis. Answering further, Defendant denies that it manufactures vehicles. Answering
16 further, Defendant states that this Paragraph contains a legal conclusion to which no
17 response is required. To the extent a response is required, Defendant denies the
18 allegations. Answering further, Defendant is without knowledge or information
19 sufficient to form a belief as to the truth or falsity of the remaining allegations in this
20 Paragraph and therefore denies them. All allegations in this Paragraph not specifically
21 admitted are denied.

22 127. Answering Paragraph 127, Defendant responds that it is without
23 knowledge or information sufficient to form a belief as to the truth or falsity of the
24 allegations relating to Hyundai, and therefore denies them. Answering further,
25 Defendant responds that “clear and conspicuous,” “Defective Vehicles,” “industry-
26 standard,” “equivalent anti-theft technology,” “demonstrably more susceptible,”
27 “almost all other vehicles on the market,” “omission and/or obfuscation” “this
28 information,” and “meaningful choice,” are vague and ambiguous, and denies the

1 allegations on that basis. Answering further, Defendant states that this Paragraph
2 contains legal conclusions to which no response is required. To the extent a response
3 is required, Defendant denies the allegations. All allegations in this Paragraph not
4 specifically admitted are denied.

5 128. Answering Paragraph 128, Defendant responds that it is without
6 knowledge or information sufficient to form a belief as to the truth or falsity of the
7 allegations relating to Hyundai, and therefore denies them. Answering further,
8 Defendant responds that “industry-standard,” “equivalent anti-theft technology,”
9 “substantial injury,” “actions,” “impacted,” “substantial number,” “[t]housands,”
10 “Defective Vehicles,” “impact,” “substantial,” “disproportionately,” and “low-
11 income” are vague and ambiguous and denies the allegations on that basis.
12 Answering further, Defendant states that this Paragraph contains legal conclusions to
13 which no response is required. To the extent a response is required, Defendant denies
14 the allegations. Answering further, Defendant is without knowledge or information
15 sufficient to form a belief as to the truth or falsity of the remaining allegations in this
16 Paragraph and therefore denies them. Answering further, Defendant denies Plaintiff’s
17 characterization of the facts in this Paragraph. All allegations in this Paragraph not
18 specifically admitted are denied.

19 129. Answering Paragraph 129, Defendant responds that it is without
20 knowledge or information sufficient to form a belief as to the truth or falsity of the
21 allegations relating to Hyundai, and therefore denies them. Answering further,
22 Defendant responds that “Defective Vehicles,” and “equivalent anti-theft technology”
23 are vague and ambiguous, and denies the allegations on that basis. All allegations in
24 this Paragraph not specifically admitted are denied.

25 130. Answering Paragraph 130, Defendant responds that it is without
26 knowledge or information sufficient to form a belief as to the truth or falsity of the
27 allegations relating to Hyundai, and therefore denies them. Answering further,
28 Defendant responds that “Defective Vehicles,” “spiked,” “adequate action,”

1 “increased risk,” and “remove these dangerous vehicles from the market” are vague
2 and ambiguous, and denies the allegations on that basis. Answering further,
3 Defendant states that this Paragraph contains legal conclusions to which no response
4 is required. To the extent a response is required, Defendant denies the allegations.
5 Answering further, Defendant denies Plaintiff’s characterization of the facts in this
6 Paragraph. All allegations in this Paragraph not specifically admitted are denied.

7 131. Answering Paragraph 131, Defendant responds that it is without
8 knowledge or information sufficient to form a belief as to the truth or falsity of the
9 allegations relating to Hyundai, and therefore denies them. Answering further,
10 Defendant responds that “unreasonably dangerous vehicles,” “public safety,”
11 “imperiled,” “mitigate,” “damage,” and “actions” are vague and ambiguous, and
12 denies the allegations on that basis. Answering further, Defendant denies that it
13 manufacturers vehicles. Answering further, Defendant states that this Paragraph
14 contains legal conclusions to which no response is required. To the extent a response
15 is required, Defendant denies the allegations. Answering further, Defendant denies
16 Plaintiff’s characterization of the facts in this Paragraph. All allegations in this
17 Paragraph not specifically admitted are denied.

18 132. Answering Paragraph 132, Defendant responds that it is without
19 knowledge or information sufficient to form a belief as to the truth or falsity of the
20 allegations relating to Hyundai, and therefore denies them. Answering further,
21 Defendant responds that “substantial injury,” “Defective Vehicles,”
22 “disproportionately,” “low-income,” and “hundreds if not thousands” are vague and
23 ambiguous and denies the allegations on that basis. Answering further, Defendant
24 states that this Paragraph contains a legal conclusion to which no response is required.
25 To the extent a response is required, Defendant denies the allegations. Answering
26 further, Defendant is without knowledge or information sufficient to form a belief as
27 to the truth or falsity of the remaining allegations in this Paragraph and therefore
28 denies them. All allegations in this Paragraph not specifically admitted are denied.

1 133. Answering Paragraph 133, Defendant responds that it is without
2 knowledge or information sufficient to form a belief as to the truth or falsity of the
3 allegations relating to Hyundai, and therefore denies them. Answering further,
4 Defendant responds that “unfair trade practices,” “Defective Vehicles,” and Defective
5 Vehicle are vague and ambiguous, and denies the allegations on that basis. Answering
6 further, to the extent Plaintiff’s allegations rely on the Municipal Code of Chicago,
7 the Municipal Code of Chicago speaks for itself. Answering further, Defendant
8 denies that it sold and/or sells vehicles to retail consumers. Answering further,
9 Defendant states that this Paragraph contains legal conclusions to which no response
10 is required. To the extent a response is required, Defendant denies the allegations.
11 Answering further, Defendant denies Plaintiff’s characterization of the facts in this
12 Paragraph. All allegations in this Paragraph not specifically admitted are denied.

13 134. Answering Paragraph 134, Defendant denies that Plaintiff is entitled to
14 the relief requested in this Paragraph. Answering further, Defendant states that this
15 Paragraph contains legal conclusions to which no response is required. To the extent
16 a response is required, Defendant denies the allegations. All allegations in this
17 Paragraph not specifically admitted are denied.

FOURTH CAUSE OF ACTION

Public Nuisance

135. Answering Paragraph 135, Defendant admits that Plaintiff purports to incorporate the preceding paragraphs. All allegations in this Paragraph not specifically admitted are denied.

23 136. Answering Paragraph 136, Defendant responds that it is without
24 knowledge or information sufficient to form a belief as to the truth or falsity of the
25 allegations relating to Hyundai, and therefore denies them. Answering further,
26 Defendant responds that “Defective Vehicles,” “record rates,” and “violent crimes”
27 are vague and ambiguous, and denies the allegations on that basis. Answering further,
28 Defendant denies that it designs or manufactures vehicles. Answering further,

1 Defendant admits that it markets and distributes vehicles. Answering further,
2 Defendant is without knowledge or information sufficient to form a belief as to the
3 truth or falsity of the remaining allegations in this Paragraph and therefore denies
4 them. All allegations in this Paragraph not specifically admitted are denied.

5 137. Answering Paragraph 137, Defendant responds that it is without
6 knowledge or information sufficient to form a belief as to the truth or falsity of the
7 allegations relating to Hyundai, and therefore denies them. Answering Further,
8 Defendant responds that “Defective Vehicles,” “unreasonably interferes,” and “right
9 common to the public” are vague and ambiguous, and denies the allegations on that
10 basis. Answering further, Defendant denies that it designs or manufactures vehicles.
11 Answering further, Defendant admits that it distributes vehicles. Answering further,
12 Defendant denies that there exists a public nuisance and also denies that it created,
13 contributed to, and/or maintained a public nuisance. Answering further, Defendant
14 states that this Paragraph contains a legal conclusion to which no response is required.
15 To the extent a response is required, Defendant denies the allegations. All allegations
16 in this Paragraph not specifically admitted are denied.

17 138. Answering Paragraph 138, Defendant responds that it is without
18 knowledge or information sufficient to form a belief as to the truth or falsity of the
19 allegations relating to Hyundai, and therefore denies them. Answering further,
20 Defendant responds that “conduct,” “significant effect,” “public rights,” “endangers,”
21 and “safety of the public” are vague and ambiguous, and denies the allegations on that
22 basis. Answering further, Defendant states that this Paragraph contains a legal
23 conclusion to which no response is required. To the extent a response is required,
24 Defendant denies the allegations. All allegations in this Paragraph not specifically
25 admitted are denied.

26 139. Answering Paragraph 139, Defendant responds that it is without
27 knowledge or information sufficient to form a belief as to the truth or falsity of the
28 allegations relating to Hyundai, and therefore denies them. Answering further,

1 Defendant responds that “effective,” “equivalent anti-theft technology,” “Defective
2 Vehicles,” “increased rates,” “increased costs,” “responding to,” and “related crimes”
3 are vague and ambiguous, and denies the allegations on that basis. Answering further,
4 Defendant states that this Paragraph contains a legal conclusion to which no response
5 is required. To the extent a response is required, Defendant denies the allegations.
6 All allegations in this Paragraph not specifically admitted are denied.

7 140. Answering Paragraph 140, Defendant responds that it is without
8 knowledge or information sufficient to form a belief as to the truth or falsity of the
9 allegations relating to Hyundai, and therefore denies them. Answering further,
10 Defendant responds that “reason to know,” “this interference with public safety,”
11 “substantially certain outcome,” and “conduct” are vague and ambiguous, and denies
12 the allegations on that basis. Answering further, Defendant states that this Paragraph
13 contains a legal conclusion to which no response is required. To the extent a response
14 is required, Defendant denies the allegations. All allegations in this Paragraph not
15 specifically admitted are denied.

16 141. Answering Paragraph 141, Defendant responds that it is without
17 knowledge or information sufficient to form a belief as to the truth or falsity of the
18 allegations relating to Hyundai, and therefore denies them. Answering further,
19 Defendant responds that “equivalent anti-theft technology,” “Defective Vehicles,”
20 “directly facilitated” and “rapid increase” are vague and ambiguous, and denies the
21 allegations on that basis. Answering further, Defendant denies that it designs or
22 manufactures vehicles. Answering further, Defendant denies that there exists a public
23 nuisance and also denies that it created a public nuisance. Answering further,
24 Defendant denies that it facilitated an increase in vehicle theft. Answering further,
25 Defendant states that this Paragraph contains a legal conclusion to which no response
26 is required. To the extent a response is required, Defendant denies the allegations.
27 Answering further, Defendant denies Plaintiff’s characterization of the facts in this
28 Paragraph. All allegations in this Paragraph not specifically admitted are denied.

1 142. Answering Paragraph 142, Defendant responds that “common right,”
2 “free from conduct,” “interferes,” “peaceful use,” “commerce,” “travel,” and “quality
3 of daily life” are vague and ambiguous, and denies the allegations on that basis.
4 Answering further, Defendant states that this Paragraph contains a legal conclusion
5 to which no response is required. To the extent a response is required, Defendant
6 denies the allegations. All allegations in this Paragraph not specifically admitted are
7 denied.

8 143. Answering Paragraph 143, Defendant responds that it is without
9 knowledge or information sufficient to form a belief as to the truth or falsity of the
10 allegations relating to Hyundai, and therefore denies them. Answering further,
11 Defendant responds that “endangered,” “harmed,” “undermined,” “law enforcement
12 efforts to deter vehicle theft,” “otherwise diverted,” “scarce,” and “law enforcement
13 and first responder resources” are vague and ambiguous, and denies the allegations
14 on that basis. All allegations in this Paragraph not specifically admitted are denied.

15 144. Answering Paragraph 144, Defendant responds that it is without
16 knowledge or information sufficient to form a belief as to the truth or falsity of the
17 allegations relating to Hyundai, and therefore denies them. Answering further,
18 Defendant responds that “conduct,” “directly caused,” “severe disruption,” “public
19 welfare, order, and safety,” “ongoing,” “permanent,” “long-lasting,” and “damage”
20 are vague and ambiguous, and denies the allegations on that basis. Answering further,
21 Defendant states that this Paragraph contains a legal conclusion to which no response
22 is required. To the extent a response is required, Defendant denies the allegations.
23 All allegations in this Paragraph not specifically admitted are denied.

24 145. Answering Paragraph 145, Defendant responds that it is without
25 knowledge or information sufficient to form a belief as to the truth or falsity of the
26 allegations relating to Hyundai, and therefore denies them. Answering further,
27 Defendant responds that “conduct,” “substantially interferes,” “public’s right,” and
28 “safe and reasonable access” are vague and ambiguous, and denies the allegations on

1 that basis. Answering further, Defendant states that this Paragraph contains a legal
2 conclusion to which no response is required. To the extent a response is required,
3 Defendant denies the allegations. All allegations in this Paragraph not specifically
4 admitted are denied.

5 146. Answering Paragraph 146, Defendant responds that it is without
6 knowledge or information sufficient to form a belief as to the truth or falsity of the
7 allegations relating to Hyundai, and therefore denies them. Answering further,
8 Defendant responds that “conduct,” “affected and continues to affect,” “substantial
9 number,” and “significant harm” are vague and ambiguous, and denies the allegations
10 on that basis. All allegations in this Paragraph not specifically admitted are denied.

11 147. Answering Paragraph 147, Defendant responds that it is without
12 knowledge or information sufficient to form a belief as to the truth or falsity of the
13 allegations relating to Hyundai, and therefore denies them. Answering further,
14 Defendant responds that “conduct,” is vague and ambiguous, and denies the
15 allegations on that basis. Answering further, Defendant denies that there exists a
16 public nuisance and also denies that it created a public nuisance. All allegations in
17 this Paragraph not specifically admitted are denied.

18 148. Answering Paragraph 148, Defendant responds that it is without
19 knowledge or information sufficient to form a belief as to the truth or falsity of the
20 allegations relating to Hyundai, and therefore denies them. Answering further,
21 Defendant responds that “equivalent anti-theft technology,” “acted unreasonably,”
22 “conduct,” and “injuries, harm, and economic losses” are vague and ambiguous, and
23 denies the allegations on that basis. Answering further, Defendant denies that it
24 manufactures vehicles. Answering further, Defendant denies that there exists a public
25 nuisance and also denies that it created a public nuisance. Answering further,
26 Defendant states that this Paragraph contains legal conclusions to which no response
27 is required. To the extent a response is required, Defendant denies the allegations.
28 All allegations in this Paragraph not specifically admitted are denied.

1 149. Answering Paragraph 149, Defendant responds that it is without
2 knowledge or information sufficient to form a belief as to the truth or falsity of the
3 allegations relating to Hyundai, and therefore denies them. Answering further,
4 Defendant responds that “conduct,” “significant expenditures,” “police, emergency,
5 health, and other services,” “property damage,” “Defective Vehicles,” “public
6 outreach,” and “theft prevention measures,” “such damages,” “damages,” are vague
7 and ambiguous, and denies the allegations on that basis. Answering further,
8 Defendant denies that there exists a public nuisance and also denies that it created a
9 public nuisance. Answering further, Defendant states that this Paragraph contains a
10 legal conclusion to which no response is required. To the extent a response is
11 required, Defendant denies the allegations. Answering further, Defendant is without
12 knowledge or information sufficient to form a belief as to the truth or falsity of the
13 remaining allegations in this Paragraph and therefore denies them. All allegations in
14 this Paragraph not specifically admitted are denied.

15 150. Answering Paragraph 150, Defendant responds that it is without
16 knowledge or information sufficient to form a belief as to the truth or falsity of the
17 allegations relating to Hyundai, and therefore denies them. Answering further,
18 Defendant responds that “misconduct,” “highly unreasonable risk of harm,” and
19 “rights and safety of others” are vague and ambiguous, and denies the allegations on
20 that basis. Answering further, Defendant is without knowledge or information
21 sufficient to form a belief as to the truth or falsity of the allegations related to what a
22 “political subdivision would reasonably expect to occur” and/or “normal and expected
23 costs of a local government’s existence,” and denies the allegations on that basis.
24 Answering further, Defendant states that this Paragraph contains a legal conclusion
25 to which no response is required. To the extent a response is required, Defendant
26 denies the allegations. All allegations in this Paragraph not specifically admitted are
27 denied.

28

1 151. Answering Paragraph 151, Defendant responds that it is without
2 knowledge or information sufficient to form a belief as to the truth or falsity of the
3 allegations relating to Hyundai, and therefore denies them. Answering further,
4 Defendant responds that “costs,” “public outreach,” “theft prevention measures,” and
5 “compensation for economic and property damages” are vague and ambiguous, and
6 denies the allegations on that basis. Answering further, Defendant denies that
7 Plaintiff is entitled to the relief requested in this Paragraph. Answering further,
8 Defendant denies that there exists a public nuisance and also denies that it created a
9 public nuisance and/or assisted in the creation of a public nuisance. Answering
10 further, Defendant is without knowledge or information sufficient to form a belief as
11 to the truth or falsity of the remaining allegations in this Paragraph and therefore
12 denies them. All allegations in this Paragraph not specifically admitted are denied.

13 152. Answering Paragraph 152, Defendant denies that Plaintiff is entitled to
14 the relief requested in this Paragraph. Answering further, Defendant states that this
15 Paragraph contains legal conclusions to which no response is required. To the extent
16 a response is required, Defendant denies the allegations. All allegations in this
17 Paragraph not specifically admitted are denied.

FIFTH CAUSE OF ACTION

Negligence

153. Answering Paragraph 153, Defendant admits that Plaintiff purports to
incorporate the preceding paragraphs. All allegations in this Paragraph not
specifically admitted are denied.

23 154. Answer Paragraph 154, Defendant responds that it is without knowledge
24 or information sufficient to form a belief as to the truth or falsity of the allegations
25 relating to Hyundai, and therefore denies them. Answering further, Defendant
26 responds that “act,” “reasonably careful person,” “circumstances,” “all reasonable
27 steps necessary,” and “unreasonably easy to steal” are vague and ambiguous, and
28 denies the allegations on that basis. Answering further, Defendant denies that it

1 designs or manufactures vehicles. Answering further, Defendant states that this
2 Paragraph contains a legal conclusion to which no response is required. To the extent
3 a response is required, Defendant denies the allegations. All allegations in this
4 Paragraph not specifically admitted are denied.

5 155. Answering Paragraph 155, Defendant responds that it is without
6 knowledge or information sufficient to form a belief as to the truth or falsity of the
7 allegations relating to Hyundai, and therefore denies them. Answering further,
8 Defendant responds that “unreasonable risk of harm,” “hazards,” “dangers,”
9 “equivalent anti-theft technology,” “Defective Vehicles,” “increased risk,” and
10 “public harm” are vague and ambiguous, and denies the allegations on that basis.
11 Answering further, Defendant states that this Paragraph contains a legal conclusion
12 to which no response is required. To the extent a response is required, Defendant
13 denies the allegations. All allegations in this Paragraph not specifically admitted are
14 denied.

15 156. Answering Paragraph 156, Defendant responds that it is without
16 knowledge or information sufficient to form a belief as to the truth or falsity of the
17 allegations relating to Hyundai, and therefore denies them. Answering further,
18 Defendant responds that “equivalent anti-theft technology,” “Defective Vehicles,”
19 “injuries,” “dangerous and unreasonable risk of injury,” and “best position” are vague
20 and ambiguous, and denies the allegations on that basis. Answering further,
21 Defendant states that this Paragraph contains legal conclusions to which no response
22 is required. To the extent a response is required, Defendant denies the allegations.
23 Answering further, Defendant is without knowledge or information sufficient to form
24 a belief as to the truth or falsity of the remaining allegations in this Paragraph and
25 therefore denies them. All allegations in this Paragraph not specifically admitted are
26 denied.

27 157. Answering Paragraph 157, Defendant responds that “[n]early all” and
28 “Defective Vehicles” are vague and ambiguous, and denies the allegations on that

1 basis. Answering further, Defendant is without knowledge or information sufficient
2 to form a belief as to the truth or falsity of the allegations in this Paragraph, and
3 therefore denies them. All allegations in this Paragraph not specifically admitted are
4 denied.

5 158. Answering Paragraph 158, Defendant responds that it is without
6 knowledge or information sufficient to form a belief as to the truth or falsity of the
7 allegations relating to Hyundai, and therefore denies them. Answering further,
8 Defendant responds that “action and inaction,” “act,” “reasonably prudent person
9 and/or company,” “same circumstances,” and “minimum, industry-standard security
10 measures” are vague and ambiguous, and denies the allegations on that basis.
11 Answering further, Defendant denies that it designs, develops, produces, produced,
12 manufactures, and/or manufactured vehicles. Answering further, Defendant admits
13 that it distributes vehicles. Answering further, Defendant states that this Paragraph
14 contains a legal conclusion to which no response is required. To the extent a response
15 is required, Defendant denies the allegations. Answering further, Defendant is
16 without knowledge or information sufficient to form a belief as to the truth or falsity
17 of the remaining allegations in this Paragraph and therefore denies them. All
18 allegations in this Paragraph not specifically admitted are denied.

19 159. Answering Paragraph 159, Defendant responds that it is without
20 knowledge or information sufficient to form a belief as to the truth or falsity of the
21 allegations relating to Hyundai, and therefore denies them. Answering further,
22 Defendant responds that “in control” is vague and ambiguous, and denies the
23 allegations on that basis. Answering further, Defendant denies that it designs,
24 develops, produces, and/or manufactures vehicles. Answering further, Defendant
25 admits that it distributes vehicles. All allegations in this Paragraph not specifically
26 admitted are denied.

27 160. Answering Paragraph 160, Defendant responds that it is without
28 knowledge or information sufficient to form a belief as to the truth or falsity of the

1 allegations relating to Hyundai, and therefore denies them. Answering further,
2 Defendant responds that “injuries” and “effective deterrent” are vague and
3 ambiguous, and denies the allegations on that basis. Answering further, Defendant
4 denies that it manufactures vehicles. Answering further, Defendant states that this
5 Paragraph contains a legal conclusion to which no response is required. To the extent
6 a response is required, Defendant denies the allegations. Answering further,
7 Defendant is without knowledge or information sufficient to form a belief as to the
8 truth or falsity of the remaining allegations in this Paragraph and therefore denies
9 them. All allegations in this Paragraph not specifically admitted are denied.

10 161. Answering Paragraph 161, Defendant responds that it is without
11 knowledge or information sufficient to form a belief as to the truth or falsity of the
12 allegations relating to Hyundai, and therefore denies them. Answering further,
13 Defendant responds that “acted unreasonably,” “conduct,” and “injuries, harm, and
14 economic losses” are vague and ambiguous, and denies the allegations on that basis.
15 Answering further, Defendant states that this Paragraph contains a legal conclusion
16 to which no response is required. To the extent a response is required, Defendant
17 denies the allegations. Answering further, Defendant is without knowledge or
18 information sufficient to form a belief as to the truth or falsity of the remaining
19 allegations in this Paragraph and therefore denies them. All allegations in this
20 Paragraph not specifically admitted are denied.

21 162. Answering Paragraph 162, Defendant responds that it is without
22 knowledge or information sufficient to form a belief as to the truth or falsity of the
23 allegations relating to Hyundai, and therefore denies them. Answering further,
24 Defendant responds that “acts and omissions,” “unreasonable risk of harm,” and
25 “negligent and/or criminal acts of third parties” are vague and ambiguous, and denies
26 the allegations on that basis. Answering further, Defendant states that this Paragraph
27 contains a legal conclusion to which no response is required. To the extent a response
28

1 is required, Defendant denies the allegations. All allegations in this Paragraph not
2 specifically admitted are denied.

3 163. Answering Paragraph 163, Defendant responds that it is without
4 knowledge or information sufficient to form a belief as to the truth or falsity of the
5 allegations relating to Hyundai, and therefore denies them. Answering further,
6 Defendant responds that “injuries, harms, and economic losses” and “conduct” are
7 vague and ambiguous, and denies the allegations on that basis. Answering further,
8 Defendant states that this Paragraph contains a legal conclusion to which no response
9 is required. To the extent a response is required, Defendant denies the allegations.
10 Answering further, Defendant is without knowledge or information sufficient to form
11 a belief as to the truth or falsity of the remaining allegations in this Paragraph and
12 therefore denies them. All allegations in this Paragraph not specifically admitted are
13 denied.

14 164. Answering Paragraph 164, Defendant responds that it is without
15 knowledge or information sufficient to form a belief as to the truth or falsity of the
16 allegations relating to Hyundai, and therefore denies them. Answering further,
17 Defendant responds that “conduct” and “rights” are vague and ambiguous, and denies
18 the allegations on that basis. Answering further, Defendant states that this Paragraph
19 contains legal conclusions to which no response is required. To the extent a response
20 is required, Defendant denies the allegations. All allegations in this Paragraph not
21 specifically admitted are denied.

22 165. Answering Paragraph 165, Defendant responds that it is without
23 knowledge or information sufficient to form a belief as to the truth or falsity of the
24 allegations relating to Hyundai, and therefore denies them. Answering further,
25 Defendant responds that “wrongful acts and omissions,” “injured,” “economic
26 damages,” “significant expenditures,” “police, emergency, health, and other
27 services,” “property damage,” and “Defective Vehicles” are vague and ambiguous,
28 and denies the allegations on that basis. Answering further, Defendant states that this

1 Paragraph contains a legal conclusion to which no response is required. To the extent
2 a response is required, Defendant denies the allegations. Answering further,
3 Defendant is without knowledge or information sufficient to form a belief as to the
4 truth or falsity of the remaining allegations in this Paragraph and therefore denies
5 them. All allegations in this Paragraph not specifically admitted are denied.

6 166. Answering Paragraph 166, Defendant responds that it is without
7 knowledge or information sufficient to form a belief as to the truth or falsity of the
8 allegations relating to Hyundai, and therefore denies them. Answering further,
9 Defendant responds that “over and above its ordinary public services” and
10 “misconduct” are vague and ambiguous, and denies the allegations on that basis.
11 Answering further, Defendant is without knowledge or information sufficient to form
12 a belief as to the truth or falsity of the allegations relating to what a “political
13 subdivision would reasonably expect to occur” and/or “normal and expected costs of
14 a local government’s existence,” and denies the allegations on that basis. Answering
15 further, Defendant states that this Paragraph contains a legal conclusion to which no
16 response is required. To the extent a response is required, Defendant denies the
17 allegations. Answering further, Defendant is without knowledge or information
18 sufficient to form a belief as to the truth or falsity of the remaining allegations in this
19 Paragraph and therefore denies them. All allegations in this Paragraph not specifically
20 admitted are denied.

21 167. Answering Paragraph 167, Defendant responds that it is without
22 knowledge or information sufficient to form a belief as to the truth or falsity of the
23 allegations relating to Hyundai, and therefore denies them. Answering further,
24 Defendant responds that “conduct,” “rights,” “right to public safety,” “highly
25 unreasonable risk,” “harm,” and “rights and safety of others” are vague and
26 ambiguous, and denies the allegations on that basis. Answering further, Defendant
27 states that this Paragraph contains a legal conclusion to which no response is required.
28

1 To the extent a response is required, Defendant denies the allegations. All allegations
2 in this Paragraph not specifically admitted are denied.

3 168. Answering Paragraph 168, Defendant responds that it is without
4 knowledge or information sufficient to form a belief as to the truth or falsity of the
5 allegations relating to Hyundai, and therefore denies them. Answering further,
6 Defendant responds that “fault,” “injuries,” “ordinary course of events,” and “due care
7 commensurate to the dangers involved” are vague and ambiguous, and denies the
8 allegations on that basis. Answering further, Defendant denies that it manufactures
9 vehicles. Answering further, Defendant states that this Paragraph contains a legal
10 conclusion to which no response is required. To the extent a response is required,
11 Defendant denies the allegations. Answering further, Defendant is without
12 knowledge or information sufficient to form a belief as to the truth or falsity of the
13 remaining allegations in this Paragraph and therefore denies them. All allegations in
14 this Paragraph not specifically admitted are denied.

15 169. Answering Paragraph 169, Defendant denies that Plaintiff is entitled to
16 the relief requested in this Paragraph. Answering further, Defendant states that this
17 Paragraph contains legal conclusions to which no response is required. To the extent
18 a response is required, Defendant denies the allegations. All allegations in this
19 Paragraph not specifically admitted are denied.

SIXTH CAUSE OF ACTION

Violation of MCC § 1-20-020

22 170. Answering Paragraph 170, Defendant admits that Plaintiff purports to
23 incorporate the preceding paragraphs. All allegations in this Paragraph not
24 specifically admitted are denied.

25 171. Answering Paragraph 171, to the extent Plaintiff's allegations rely on the
26 Municipal Code of Chicago, the Municipal Code of Chicago speaks for itself. All
27 allegations in this Paragraph not specifically admitted are denied.

1 172. Answering Paragraph 172, to the extent Plaintiff's allegations rely on the
2 Municipal Code of Chicago, the Municipal Code of Chicago speaks for itself. All
3 allegations in this Paragraph not specifically admitted are denied.

4 173. Answering Paragraph 173, Defendant denies that Plaintiff is entitled to
5 the relief asserted in this Paragraph. Answering further, Defendant states that this
6 Paragraph contains legal conclusions to which no response is required. To the extent
7 a response is required, Defendant denies the allegations. All allegations in this
8 Paragraph not specifically admitted are denied.

9 174. Answering Paragraph 174, Defendant responds that it is without
10 knowledge or information sufficient to form a belief as to the truth or falsity of the
11 allegations relating to Hyundai, and therefore denies them. Answering further,
12 Defendant responds that "Defective Vehicles" and "deceptive and unfair trade
13 practices" are vague and ambiguous, and denies the allegations on that basis.
14 Answering further, Defendant denies that it manufactures vehicles. Answering
15 further, Defendant denies that there exists a public nuisance and also denies that it
16 caused or contributed to a public nuisance. Answering further, Defendant states that
17 this Paragraph contains legal conclusions to which no response is required. To the
18 extent a response is required, Defendant denies the allegations. All allegations in this
19 Paragraph not specifically admitted are denied.

20 175. Answering Paragraph 175, Defendant responds that it is without
21 knowledge or information sufficient to form a belief as to the truth or falsity of the
22 allegations relating to Hyundai, and therefore denies them. Answering further,
23 Defendant responds that "wave of thefts," "Defective Vehicles," "resulting costs,"
24 "responding to" and "crimes, injuries, and property damage" are vague and
25 ambiguous, and denies the allegations on that basis. Answering further, Defendant
26 states that this Paragraph contains legal conclusions to which no response is required.
27 To the extent a response is required, Defendant denies the allegations. Answering
28 further, Defendant is without knowledge or information sufficient to form a belief as

1 to the truth or falsity of the remaining allegations in this Paragraph and therefore
2 denies them. All allegations in this Paragraph not specifically admitted are denied.

3 176. Answering Paragraph 176, Defendant responds that it is without
4 knowledge or information sufficient to form a belief as to the truth or falsity of the
5 allegations relating to Hyundai, and therefore denies them. Answering further,
6 Defendant responds that “unlawfully misrepresented,” “quality,” “safety,” “Defective
7 Vehicles,” “advertising and marketing materials,” “equivalent technology,” “some, if
8 not all,” “unfairly marketed,” “industry-standard antitheft technology,” and
9 “unusually susceptible” are vague and ambiguous, and denies the allegations on that
10 basis. Answering further, Defendant denies that it manufactures vehicles. Answering
11 further, Defendant denies that its advertising and marketing materials contain
12 misrepresentations. Answering further, Defendant states that this Paragraph contains
13 legal conclusions to which no response is required. To the extent a response is
14 required, Defendant denies the allegations. All allegations in this Paragraph not
15 specifically admitted are denied.

16 177. Answering Paragraph 177, Defendant responds that it is without
17 knowledge or information sufficient to form a belief as to the truth or falsity of the
18 allegations relating to Hyundai, and therefore denies them. Answering further,
19 Defendant responds that “misconduct” and “costs” and are vague and ambiguous,
20 and denies the allegations on that basis. Answering further, Defendant is without
21 knowledge or information sufficient to form a belief as to the truth or falsity of the
22 allegations relating to what a “political subdivision would reasonably expect to occur”
23 and/or “normal and expected costs of a local government’s existence,” and denies the
24 allegations on that basis. Answering further, Defendant states that this Paragraph
25 contains legal conclusions to which no response is required. To the extent a response
26 is required, Defendant denies the allegations. All allegations in this Paragraph not
27 specifically admitted are denied.

28

1 178. Answering Paragraph 178, Defendant responds that it is without
2 knowledge or information sufficient to form a belief as to the truth or falsity of the
3 allegations relating to Hyundai, and therefore denies them. Answering further,
4 Defendant responds that “unlawful actions,” “considerable resources,” “mitigate,”
5 “harms,” “these vehicles,” “related crimes,” “costs,” “police, emergency, health, and
6 other services,” “property damage,” “public outreach,” and “theft prevention
7 measures” are vague and ambiguous, and denies the allegations on that basis.
8 Answering further, Defendant denies that there exists a public nuisance and also
9 denies that Defendant caused a public nuisance. Answering further, Defendant states
10 that this Paragraph contains legal conclusions to which no response is required. To
11 the extent a response is required, Defendant denies the allegations. Answering
12 further, Defendant is without knowledge or information sufficient to form a belief as
13 to the truth or falsity of the remaining allegations in this Paragraph and therefore
14 denies them. Answering further, Defendant denies Plaintiff’s characterization of the
15 facts in this Paragraph. All allegations in this Paragraph not specifically admitted are
16 denied.

17 179. Answering Paragraph 179, Defendant denies that Plaintiff is entitled to
18 the relief requested in this Paragraph. Answering further, Defendant states that this
19 Paragraph contains legal conclusions to which no response is required. To the extent
20 a response is required, Defendant denies the allegations. All allegations in this
21 Paragraph not specifically admitted are denied.

RESPONSE TO PRAYER FOR RELIEF

23 A. Answering Section A. of Chicago's Prayer for Relief, Defendant denies
24 that Plaintiff is entitled to the relief requested in this Paragraph.

25 B. Answering Section B. of Chicago's Prayer for Relief, Defendant denies
26 that Plaintiff is entitled to the relief requested in this Paragraph.

27 C. Answering Section C. of Chicago's Prayer for Relief, Defendant denies
28 that Plaintiff is entitled to the relief requested in this Paragraph.

1 D. Answering Section D. of Chicago's Prayer for Relief, Defendant denies
2 that Plaintiff is entitled to the relief requested in this Paragraph.

3 E. Answering Section E. of Chicago's Prayer for Relief, Defendant denies
4 that Plaintiff is entitled to the relief requested in this Paragraph.

5 F. Answering Section F. of Chicago's Prayer for Relief, Defendant denies
6 that Plaintiff is entitled to the relief requested in this Paragraph.

7 G. Answering Section G. of Chicago's Prayer for Relief, Defendant denies
8 that Plaintiff is entitled to the relief requested in this Paragraph.

9 H. Answering Section H. of Chicago's Prayer for Relief, Defendant denies
10 that Plaintiff is entitled to the relief requested in this Paragraph.

11 I. Answering Section I. of Chicago's Prayer for Relief, Defendant denies
12 that Plaintiff is entitled to the relief requested in this Paragraph.

13 J. Answering Section J. of Chicago's Prayer for Relief, Defendant denies
14 that Plaintiff is entitled to the relief requested in this Paragraph.

15 K. Answering Section K. of Chicago's Prayer for Relief, Defendant denies
16 that Plaintiff is entitled to the relief requested in this Paragraph.

17 L. Answering Section L. of Chicago's Prayer for Relief, Defendant denies
18 that Plaintiff is entitled to the relief requested in this Paragraph.

19 M. Answering Section M. of Chicago's Prayer for Relief, Defendant denies
20 that Plaintiff is entitled to the relief requested in this Paragraph.

21 N. Answering Section N. of Chicago's Prayer for Relief, Defendant denies
22 that Plaintiff is entitled to the relief requested in this Paragraph.

23 O. Answering Section O. of Chicago's Prayer for Relief, Defendant denies
24 that Plaintiff is entitled to the relief requested in this Paragraph.

25 P. Answering Section P. of Chicago's Prayer for Relief, Defendant denies
26 that Plaintiff is entitled to the relief requested in this Paragraph.

27 Q. Answering Section Q. of Chicago's Prayer for Relief, Defendant denies
28 that Plaintiff is entitled to the relief requested in this Paragraph.

1 **RESPONSE TO JURY TRIAL DEMAND**

2 Answering Chicago's Jury Trial Demand, Defendant admits that Plaintiff City
3 of Chicago purports to demand a jury trial. Pursuant to Federal Rule of Civil
4 Procedure 38, Defendant demands a jury trial on all causes of action, claims, and
5 issues so triable.

6 **STATEMENT OF DEFENSES**

7 The following statement of defenses is not intended to characterize any
8 particular defense as "affirmative," nor to specify which party bears the burden of
9 proof or persuasion on a particular defense, or that any particular issue or subject
10 matter herein is relevant to Plaintiff's claims.

11 **FIRST DEFENSE (FAILURE TO STATE A CLAIM)**

12 Plaintiff fails to state a claim for which relief can be granted.

13 **SECOND DEFENSE (PROXIMATE CAUSE)**

14 No act or omission of Defendant was the legal or proximate cause of any injury
15 alleged by Plaintiff.

16 **THIRD DEFENSE (COMPLIANCE)**

17 At all relevant times, Defendant acted in good faith and in accordance with all
18 applicable statutory and common law obligations. Moreover, Defendant did not
19 directly or indirectly perform any acts that would constitute a violation of any rights
20 of Plaintiff or any duty owed to Plaintiff.

21 **FOURTH DEFENSE (LACHES)**

22 Plaintiff's claims are barred, in whole or in part, by the doctrine of laches, as
23 Plaintiff has unreasonably delayed in bringing this action and acquiesced in the issue
24 about which it now complains.

25 **FIFTH DEFENSE (RATIFICATION)**

26 Plaintiff's claims are barred, in whole or in part, because Plaintiff, through its
27 acts, conduct, and omissions, ratified the alleged conduct of which it now complains.

SIXTH DEFENSE (PREEMPTION)

To the extent Plaintiff's claims seek to impose liability for failure to install specific anti-theft devices or to comply with anti-theft regulations, its claims are preempted by the federal motor vehicle safety standards, including but not limited to, 49 CFR § 541 et seq. and 49 CFR § 571.114, with which Defendant complied.

SEVENTH DEFENSE (NO FORESEEABILITY)

Plaintiff's claims are barred, in whole or in part, because the increased theft rate of the vehicles due to a social media craze was not foreseeable to Defendant.

EIGHTH DEFENSE (CONTRIBUTORY/COMPARATIVE NEGLIGENCE)

Plaintiff's claims are barred, in whole or in part, and/or reduced by contributory or comparative negligence and contributory or comparative fault, for reasons including, but not limited to, Plaintiff's alleged injuries and/or damages were caused, in whole or in part, by its own failure to effectively enforce the law and prosecute violations thereof, and any recovery by Plaintiff is barred or, alternatively, should be diminished according to its own fault.

NINTH DEFENSE (INTERVENING ACTS/CAUSATION)

Plaintiff is barred from recovery because its alleged injuries were directly and proximately caused by the criminal and tortious acts of third parties over whom Defendant had no control or right of control.

TENTH DEFENSE (MISUSE)

Plaintiff is not entitled to recover to the extent any alleged damages or injuries were caused by the misuse, abuse, or failure to properly maintain or care for the subject vehicles.

ELEVENTH DEFENSE (USE IN DISREGARD OF INSTRUCTIONS)

Plaintiff's claims are barred to the extent the subject vehicles were used in disregard of the instructions and directions regarding their use, and that such misuse was not foreseeable to Defendant.

1 **TWELFTH DEFENSE (ALTERATION OF PRODUCT)**

2 The subject vehicles may have been altered and changed after they left
3 Defendant's possession, custody, and control, and as such, Defendant would not be
4 liable for Plaintiff's alleged injuries.

5 **THIRTEENTH DEFENSE (NON-DEFECTIVE PRODUCT)**

6 The subject vehicles were neither defective nor unreasonably dangerous when
7 they left Defendant's possession or control.

8 **FOURTEENTH DEFENSE (STATE OF THE ART)**

9 Plaintiff's claims are barred because the subject vehicles were manufactured,
10 designed, tested, and labeled in a manner conforming to the generally recognized or
11 prevailing state of relevant scientific and technological knowledge available at the
12 time the vehicles were designed, manufactured, and placed on the market, and their
13 benefits exceeded any associated risks.

14 **FIFTEENTH DEFENSE (FIRST AMENDMENT)**

15 Plaintiff's claims may be barred, in whole or in part, by the First Amendment
16 to the Constitution of the United States. Defendant's representations, advertisements,
17 and communications are entitled to protection under the United States Constitution.

18 **SIXTEENTH DEFENSE (ECONOMIC LOSS RULE)**

19 Plaintiff's claims are barred, in whole or in part, by the economic loss rule.

20 **SEVENTEENTH DEFENSE (MUNICIPAL COST RECOVERY RULE)**

21 Plaintiff's claims are barred, in whole or in part, under the municipal cost
22 recovery rule.

23 **EIGHTEENTH DEFENSE (COGNIZABLE DAMAGES)**

24 Plaintiff's claims are barred, in whole or in part, because Plaintiff has not
25 suffered any cognizable damage or injury.

26 **NINETEENTH DEFENSE (STANDING)**

27 Plaintiff's claims for damages are barred, in whole or in part, because Plaintiff
28 lacks standing to recover damages.

1 **TWENTIETH DEFENSE (SPECULATIVE DAMAGES)**

2 Plaintiff's claims for damages are speculative, ambiguous, and illusory, and
3 any award of damages against Defendant would be improper.

4 **TWENTY-FIRST DEFENSE (MITIGATION)**

5 Plaintiff's claims are barred, in whole or in part, by Plaintiff's failure to
6 mitigate its alleged losses or damages.

7 **TWENTY-SECOND DEFENSE (PRIMARY JURISDICTION)**

8 Plaintiff's claims are barred, in whole or in part, because federal agencies have
9 exclusive or primary jurisdiction over the matters asserted in the SAC.

10 **TWENTY-THIRD DEFENSE (UNCLEAN HANDS)**

11 Plaintiff comes to the Court with unclean hands that preclude any award of
12 equitable relief, including because: (1) Plaintiff failed to enforce the law to prevent
13 thefts; (2) Plaintiff brought suit against Defendant rather than any single thief directly
14 responsible for its alleged injuries; and (3) Plaintiff has attempted to impose private
15 liability in a manner contrary to public policy and the public interest.

16 **TWENTY-FOURTH DEFENSE (ABATEMENT)**

17 Plaintiff's request for abatement is barred in whole or in part on one or more of
18 the following grounds: (1) Plaintiff cannot demonstrate that any viable abatement
19 measures exist beyond those voluntarily undertaken by Defendant; and (2) Plaintiff
20 improperly seeks damages disguised as an abatement fund.

21 **TWENTY-FIFTH DEFENSE (STATUTE OF LIMITATIONS AND REPOSE)**

22 Plaintiff's claims are barred, in whole or in part, by the applicable statute of
23 limitations and of repose for each claim.

24 **TWENTY-SIXTH DEFENSE (RIPENESS)**

25 Plaintiff's claims are not ripe and/or have been mooted.

1 **TWENTY-SEVENTH DEFENSE (LIMITATIONS, CAPS, AND SETOFFS)**

2 Plaintiff's claims are barred, in whole or in part, reduced and/or limited
3 pursuant to applicable statutory and common law regarding limitations of awards,
4 caps on recovery, and setoffs.

5 **TWENTY-EIGHTH DEFENSE (COLLATERAL SOURCE)**

6 Any verdict or judgment that might be recovered by Plaintiff must be reduced
7 by those amounts that have already indemnified or with reasonable certainty will
8 indemnify Plaintiff in whole or in part for any past or future claimed economic loss
9 from any collateral source or any other applicable law.

10 **TWENTY-NINTH DEFENSE (NO DUTY)**

11 Defendant did not owe or breach any statutory or common law duty to Plaintiff.

12 **THIRTIETH DEFENSE (AUTHORITY)**

13 Plaintiff's claims are barred to the extent that it lacks the statutory authority
14 under respective state laws or its own applicable county or municipal codes or
15 regulations.

16 **THIRTY-FIRST DEFENSE (SEPARATION OF POWERS)**

17 Plaintiff's claims and damages are barred or limited by the political question
18 and separation of powers doctrines and because its claims implicate issues of
19 statewide importance that are reserved for state regulation.

20 **THIRTY-SECOND DEFENSE (PRUDENTIAL MOOTNESS)**

21 Some or all of Plaintiff's claims are subject to the prudential mootness doctrine.

22 **THIRTY-THIRD DEFENSE (CAPACITY)**

23 Plaintiff's claims are barred, in whole or in part, because Plaintiff lacks capacity
24 to bring its claims, including claims indirectly maintained on behalf of its citizens and
25 claims brought as *parens patriae*.

26 **THIRTY-FOURTH DEFENSE (GOOD FAITH/PUNITIVE DAMAGES)**

27 Defendant cannot be held liable for any punitive, exemplary, or other similar
28 damages, because Defendant at all times made good faith efforts to comply with the

1 law. Defendant denies that punitive and/or exemplary damages against Defendant are
2 warranted, because at no time did Defendant act wrongfully or with malice, bad faith,
3 or reckless indifference toward Plaintiff.

4 **THIRTY-FIFTH DEFENSE (CONSTITUTIONAL LIMITS ON DAMAGES)**

5 Plaintiff's claims for punitive, aggravated, or exemplary damages or other civil
6 penalties are barred, in whole or in part, by the due process protections afforded by
7 the United States Constitution, the Excessive Fines Clause of the Eighth Amendment
8 of the United States Constitution, the Full Faith and Credit Clause of the United States
9 Constitution, and applicable provisions of the Constitution of any state whose laws
10 may apply. Any law, statute or other authority purporting to permit the recovery of
11 punitive damages or civil penalties in this case is unconstitutional, facially and as
12 applied, to the extent that, without limitation, it: (1) lacks constitutionally sufficient
13 standards to guide and restrain the jury's discretion in determining whether to award
14 punitive damages or civil penalties and/or the amount, if any; (2) is void for vagueness
15 in that it fails to provide adequate advance notice as to what conduct will result in
16 punitive damages or civil penalties; (3) unconstitutionally may permit recovery of
17 punitive damages or civil penalties based on harms to third parties, out-of-state
18 conduct, conduct that complied with applicable law, or conduct that was not directed,
19 or did not proximately cause harm, to Plaintiff; (4) unconstitutionally may permit
20 recovery of punitive damages or civil penalties in an amount that is not both
21 reasonable and proportionate to the amount of harm, if any, to Plaintiff and to the
22 amount of compensatory damages, if any; (5) unconstitutionally may permit jury
23 consideration of net worth or other financial information relating to Defendant; (6)
24 lacks constitutionally sufficient standards to be applied by the trial court in post-
25 verdict review of any award of punitive damages or civil penalties; (7) lacks
26 constitutionally sufficient standards for appellate review of any award of punitive
27 damages or civil penalties; (8) would unconstitutionally impose a penalty, criminal in
28 nature, without according to Defendant the same procedural protections that are

1 accorded to criminal defendants under the constitutions of the United States and any
2 state whose laws may apply; and (9) otherwise fails to satisfy Supreme Court
3 precedent, including, without limitation, *Pac. Mut. Life Ins. Co. v. Haslip*, 499 U.S. 1
4 (1991); *TXO Prod. Corp. v. Alliance Res., Inc.*, 509 U.S. 443 (1993); *BMW of N. Am.*
5 *v. Gore*, 517 U.S. 559 (1996); *State Farm Ins. Co. v. Campbell*, 538 U.S. 408 (2003);
6 and *Philip Morris USA v. Williams*, 549 U.S. 346 (2007).

THIRTY-SIXTH DEFENSE (TRUTHFUL)

8 Plaintiff's claims are barred, in whole or in part, because Defendant's
9 advertising and marketing materials, including affirmative representations, are
10 truthful, and therefore not misleading.

THIRTY-SEVENTH DEFENSE (IMMATERIAL)

Plaintiff's claims are barred, in whole or in part, because Defendant's affirmative representations and/or omissions in its advertising and marketing materials are immaterial, such that a consumer would not have acted differently knowing the information, the advertising and marketing materials concerned the type of information upon which a buyer would not be expected to rely in making a decision whether to purchase a vehicle, and the advertising and marketing materials are unlikely to mislead a reasonable consumer in a material respect.

THIRTY-EIGHTH DEFENSE (NOT MISLEADING OR DECEPTIVE)

Plaintiff's claims are barred, in whole or in part, because Defendant's advertising and marketing materials are not misleading or deceptive, and would not cause a reasonable consumer to be misled or deceived.

THIRTY-NINTH DEFENSE (UNRELATED)

24 Plaintiff's claims are barred, in whole or in part, because Defendant's specific
25 representations in advertising and marketing materials that Plaintiff identified in its
26 SAC are unrelated to anti-theft technology.

1 **FORTIETH DEFENSE (NOT UNFAIR)**

2 Plaintiff's claims are barred, in whole or in part, because Defendant's conduct
3 is not unfair, such that it does not offend public policy, is not immoral, unethical,
4 oppressive, and/or unscrupulous.

5 **FORTY-FIRST DEFENSE (ARTICLE III STANDING)**

6 Plaintiff's claims are barred, in whole or in part, because Plaintiff's municipal
7 ordinance does not require showing of an injury, as is required under Article III.

8 **RESERVATION OF DEFENSES**

9 Defendant has not knowingly or intentionally waived any applicable
10 affirmative or other defenses and reserves the right to rely upon such defenses as may
11 become available or apparent. Defendant reserves all affirmative defenses under Rule
12 8(c) of the Federal Rules of Civil Procedure and any other defenses, at law and equity,
13 that may now be or in the future will become available based on discovery or any
14 other factual investigation concerning this action or any related action.

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PRAYER FOR RELIEF

WHEREFORE, Defendant prays for relief from judgment from Plaintiff as follows:

1. Plaintiff take nothing by reason of this SAC;
 2. Defendant recovers its costs and attorneys' fees incurred herein; and
 3. For such further and other relief as the Court deems proper.

DATED: September 18, 2024 QUINN EMANUEL URQUHART & SULLIVAN, LLP

By /s/ Steven G. Madison

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